Applicant: General Public in New England Effective Date: TBD

 Expiration Date: TBD + 5 years

**Department of the Army**

**New England General Permits**

**With Rhode Island Supplement**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues New England General Permits (NE GPs or GPs) for activities subject to Corps jurisdiction in waters of the U.S. within the boundaries of and off the coasts of the six New England States, and within the boundaries of Indian tribal lands. Certain Indian lands are considered sovereign nations and are therefore acknowledged separately from the states for purposes of these GPs. These GPs are issued in accordance with Corps regulations at 33 CFR 320 **-** 332 [see 33 CFR 325.5(c)(1)]. The NE GPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative effects on the aquatic environment.

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**I. GENERAL CRITERIA**

Activities may still qualify for NE GP authorization if they are not regulated by the state. Prospective permittees should:

1. Read Section II to determine if the activity requires Corps authorization.
2. Read Sections III, IV and IX to determine if the activity may be eligible for authorization under the GP, specifically whether it is eligible for self-verification (SV) or whether preconstruction notification (PCN) is required.

**How to Obtain/Apply for Authorization**

1. Self-Verification: Self-VerificationNotification Form (SVNF) required for projects in CT (non-tidal waters only), MA, ME, RI (non-tidal waters only) and VT (see GC 30). The SVNF is not required for work in CT’s tidal waters, NH or RI’s tidal waters.

Activities that are eligible for self-verification are authorized under the NE GPs and may commence without written verification from the Corps provided the prospective permittee has:

1. Confirmed that the activity will meet the terms and conditions of applicable GPs. Consultation with the Corps and/or outside relevant Federal and state agencies may be necessary to ensure compliance with the applicable general conditions (Section IV and Section IX, Part A) and related Federal laws such as the National Historic Preservation Act [see General Condition (GC) 6], the Endangered Species Act (see GC 8) and the Wild and Scenic Rivers Act (see GC 9). Prospective permittees are encouraged to contact the Corps with SV eligibility questions. Activities not meeting the SV criteria must submit a Pre-Construction Notification (PCN) to the Corps.
2. Submitted the SVNF (Section VII) to the Corps.

2. Pre-Construction Notification (PCN): Application and written verification required

For activities that do not qualify for SV or where otherwise required by the terms of the GPs, the permittee must submit a PCN and obtain written verification before starting work in Corps jurisdiction. Refer to the state-specific procedures in Section IX, Part B for information, including appropriate forms, content, and whether PCNs are submitted to the Corps or the state.

1. The Corps will coordinate review of all activities requiring PCN with Federal and state agencies and Federally recognized tribes, as appropriate. To be eligible and subsequently authorized, an activity must result in no more than minimal individual and cumulative effects on the aquatic environment as determined by the Corps in coordination with the interagency review team and the criteria listed within these GPs. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of a project are no more than minimal.
2. Emergency Situations: Contact the Corps and the state (see Section IX, Part C) in the event of an emergency situation for information on the application and approval process. Emergency situations are limited to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. Emergency work is subject to the same terms and conditions of this GP as non-emergency work, and similarly, must qualify for authorization under the GP; otherwise an Individual Permit (IP) is required (see below). The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

Projects that are not authorized by these GPs require an IP (33 CFR 325.5) and proponents must submit an application directly to the Corps. These GPs do not affect the Corps IP review process or activities exempt from Corps regulation. For general information and application form, see the Corps website or contact the Corps (see Section IX, Part C). Individual Water Quality Certification (WQC) and Coastal Zone Management (CZM) consistency concurrence are required when applicable from the state before Corps IP issuance. The Corps encourages applicants to concurrently apply for a Corps IP and applicable state permits.

Notwithstanding compliance with the terms and conditions of these GPs, the Corps retains discretionary authority on a case-by-case basis to elevate a self-verification to PCN or IP, or a PCN to IP based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)]. Whenever the Corps notifies an applicant that a PCN or IP is required, no work may be conducted until the Corps issues the required authorization in writing indicating that work may proceed.

**II. JURISDICTION/AUTHORITIES TO ISSUE PERMITS**

1. The following regulated activities require authorization under the Corps Regulatory Program:

1. The construction of any structure in, over or under any navigable water of the United States (U.S.) [[1]](#footnote-1), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322;
2. The discharge of dredged or fill material and discharges associated with excavation into waters of the U.S. The Corps regulates these activities under Section 404 of the Clean Water Act (CWA). See 33 CFR 323; and
3. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act.

See 33 CFR 324.

2. Related laws:

## 33 CFR 320.3 includes a list of related laws, including: Section 401 of the CWA, Section 402 of the CWA, Section 307(c) of the Coastal Zone Management (CZM) Act of 1972, The National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Marine Mammal Protection Act of 1972, and Section 7(a) of the Wild and Scenic Rivers Act.

**III. ELIGIBLE ACTIVITIES**

NE GPs 1 - 22 below authorize certain activities provided that the activities meet the terms and conditions of the applicable NE GPs and state-specific requirements in Section IX.

The following area limits apply when a) there is a discharge of dredged or fill material or a discharge associated with excavation into waters of the U.S., andb) referenced in GPs 6, 8-14, 16, 17, 19, 20 and 22. The area limits do not apply to GPs 1-5, 7, 15,18 and 21. Unless otherwise stated (e.g., temporary construction mats in GP 14), the total temporary and permanent impact[[2]](#footnote-2) area is used to determine if a single and complete project is eligible for SV or requires a PCN. The total permanent impact area is used to determine whether a single and complete project exceeds the PCN limits and requires an IP.

**Area Limits**

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| **Resource** | **State** | **SV Limits (SV Eligible)** | **PCN Limits****(PCN Required)** | **IP Limits** **(IP Required)** |
| Non-tidal waters of the U.S. | CT, MA, RI & VTa | 0 to 5,000 SF | >5,000 SF to 1 acre | >1 acre |
| ME | 0 to 15,000 SF | >15,000 SF to 3 acres | >3 acres |
| NH | 0 to 3,000 SF | >3,000 SF to 3 acres | >3 acres |
| VTb | not eligible | all discharges require PCN | >1 acre |
| Tidal waters of the U.S. | CT, ME, MA, NH & RI | not eligible | all discharges require PCN | >1/2 acre |
| SASc in tidal waters of the U.S. | CT, MA, NH & RI | not eligible | all discharges require PCN | >1000 SF |
| SASc in tidal waters of the U.S. excluding vegetated shallows | ME | not eligible | all discharges require PCN | >1/10 acre |
| SASc in tidal waters of the U.S. consisting of vegetated shallows only | ME | not eligible | all discharges require PCN | >1000 SF |

a Non-tidal waters of the U.S. in VT except for Lake Champlain, Lake Memphremagog and Wallace Pond and their adjacent wetlands.

b Non-tidal waters of the U.S. in VT that are Lake Champlain, Lake Memphremagog and Wallace Pond and their adjacent wetlands.

c Special Aquatic Sites (SAS) consist of inland and saltmarsh wetlands, mud flats, vegetated shallows, sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230 Subpart E.

**New England General Permits**

1. Repair, Replacement and Maintenance of Authorized Structures and Fills
2. Moorings
3. Pile-Supported Structures, Floats and Lifts
4. Aids to Navigation, and Temporary Recreational Structures
5. Dredging, Disposal of Dredged Material, and Beach Nourishment
6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges and Structural Discharges
7. Bank Stabilization
8. Residential, Commercial and Institutional Developments, and Recreational Facilities
9. Utility Line Activities
10. Linear Transportation Projects Including Stream Crossings
11. Mining Activities
12. Boat Ramps and Marine Railways
13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects
14. Temporary Construction, Access, and Dewatering
15. Reshaping Existing Drainage Ditches
16. Oil Spill and Hazardous Material Cleanup
17. Cleanup of Hazardous and Toxic Waste
18. Scientific Measurement Devices
19. Survey Activities
20. Agricultural Activities
21. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
22. Habitat Restoration, Establishment and Enhancement Activities

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| **GP 1. Repair, Replacement and Maintenance of Authorized Structures and Fills (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**The repair, rehabilitation, or replacement of any previously authorized, currently serviceable[[3]](#footnote-3), structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3provided that the structure or fill is not to be put to uses differing from those uses specified in the original permit or the most recently authorized modification.[[4]](#footnote-4) Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are also eligible, provided the environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. Also eligible is the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. Existing conditions are those that existed on previously serviceable structures or fill immediately prior to the event. In cases of catastrophic events, such as hurricanes or tornadoes, the two-year limit may be waived in writing by the Corps, provided the permittee can demonstrate funding, contract, or other similar delays. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 1/IP Required |
| 1. The removal of accumulated sediments and debris in the vicinity of existing structures (limited to bridges, culverted road crossings and water intake structures), provided a) removal is the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built; b) removal extends no farther than 50 feet in any direction from the structure; c) all dredged or excavated materials are deposited and retained in an upland area; and
2. No expansion or new discharges of dredged or fill material (i.e., outside of the authorized footprint); and
3. Modifications to existing crossings (e.g., culverts, elliptical or arch pipes, etc.) that do not decrease the diameter of the crossing or change the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining. GC19 is particularly relevant; and
4. Dam and flood control or levee repair, rehabilitation, or replacement:
5. No change in the flood elevation or permanent water surface elevation of the impoundment; and
6. Drawdown of impoundment for construction does not exceed one growing season.
7. The discharge of de minimis (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters[[5]](#footnote-5); and
8. No discharges into SAS other than non-tidal wetlands unless previously authorized.
 | 1. The removal of accumulated sediments and debris in the vicinity of existing structures does not meet the requirements of #1 in the SV column; or
2. Expansions or new discharges of dredged or fill material (i.e., outside of the authorized footprint), including the creation of new berms; or
3. Modifying existing crossings (e.g., culverts, elliptical or arch pipes, etc.) by decreasing the diameter of the crossing or changing the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining. These are not considered minor deviations. GC19 is particularly relevant; or
4. Dam and flood control or levee repair, rehabilitation, or replacement involves:
5. Change in the flood elevation or permanent water surface elevation of the impoundment; or
6. Drawdown of impoundment for construction exceeding one growing season; or
7. The discharge of more than de minimis (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters5; or
8. Discharges into SAS other than non-tidal wetlands that were not previously authorized.
 | 1. New stream channelization or stream relocation projects (e.g., those in response to storm or flood events); or

2. Stream crossings replacements (see GP 10). |
| Note:1. Applicants are encouraged to contact the Corps with questions on whether or not an activity qualifies for GP 1.
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| **GP 2. Moorings (Section 10; navigable waters of the U.S.)**Moorings; the relocation of authorized moorings; mooring fields; and expansions, boundary reconfigurations or modifications of authorized mooring fields. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 2/IP Required |
| 1. Single-point moorings authorized by a local harbormaster/town (local harbormaster/town authorization does not apply in VT); and
2. New or relocated, single-point moorings are not located in tidal SAS; and
3. ~~Existing~~, authorized, single-point moorings (i.e., bottom contacting anchors, chains or tackle) in tidal SAS are replaced or upgraded and use low impact mooring technology[[6]](#footnote-6).
 | 1. Moorings not authorized by a local harbormaster/town (local harbormaster/ town authorization does not apply in VT) or moorings other than single-point moorings (e.g., double-point moorings, spread mooring arrangements, etc.); or
2. New or relocated moorings are located in tidal SAS. See Note 3 below; or
3. ~~Existing~~, authorized moorings with bottom contacting anchors, chains or tackle in tidal SAS are replaced or upgraded and do not use low impact mooring technology6 (see Note 3 below); or
4. New mooring fields; or expansions, boundary reconfigurations or modifications of existing, authorized mooring fields; or
5. ~~Existing~~ authorized boating facilities with: a) existing moorings relocated to an unauthorized area, or b) new moorings; or
6. Moorings or town mooring fields in a Federal anchorage.
 | 1. Moorings or mooring fields classified as or associated with a new boating facility[[7]](#footnote-7).
2. New mooring fields classified as a boating facility.
3. Moorings in a Federal anchorage that are classified as a boating facility.

4. Moorings in a Federal channel. |
| Notes:1. GCs 7(c) and 10 are particularly relevant.
2. GC 18 is particularly relevant. This states that there is no TOY restriction for GP 2 provided certain requirements are met.
3. Applicants must consider the following avoidance and minimization sequence and submit that justification to the Corps along with the PCN: a) avoid SAS, b) helical anchor with floating/buoyant tackle, c) non-helical anchor (e.g., block, mushroom, etc.) with floating/buoyant tackle. See Footnote 6.
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| **GP 3. Pile-Supported Structures, Floats and Lifts (Section 10; navigable waters of the U.S.)**1. New, expansions[[8]](#footnote-8), reconfigurations or modifications of private: a) piles or pile-supported structures (hereinafter referred to as “structures”) for navigational access; b) floats; and c) boat and float lifts (hereinafter referred to as “lifts”); and
2. New, expansions, reconfigurations, reconfiguration zones, or modifications of structures, floats and lifts that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc.; and
3. Expansions, reconfigurations, reconfiguration zones, or modifications of existing, authorized boating facilities7.
 |
| Self-Verification Eligible | PCN Required | Not authorized under GP 3/IP Required |
| * 1. No new or expanded private structures, floats or lifts, including floatways/skidways (seasonal and permanent). (ME only).
	2. Structures are ≤4 feet in total width. (tidal waters only); and
	3. Structures have >1:1 height/width ratio.[[9]](#footnote-9) (tidal waters only); and
	4. Floats are <200 SF in area. (tidal waters only); and
	5. Structures and floats are <500 SF combined. (non-tidal navigable waters only); and
	6. Floats are >18 inches above the substrate at any time. Note: To be eligible for SV (work in ME is not eligible for SV as stated in 1 above), skids may only be used in areas where piles are not feasible and only on sandy or hard bottom substrates. (tidal waters only); and
	7. Structures, floats, their moored vessels, or lifts are located >25 feet from areas that have been mapped or that currently contain vegetated shallows. (tidal waters only); and
	8. Floats, vessels moored at structures or floats, or lifts are not located over SAS. (tidal waters only); and
	9. Structures, floats or lifts extend <75 feet waterward from MHW, or from ordinary high water (OHW) in non-tidal navigable waters; and
	10. Structures, floats or lifts extend <25% of the waterway width at mean low water (MLW) or OHW. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Forms and Publications >> [Structure Placement in Navigable Waterways](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/StructurePlacementNavigableWater.pdf); and
	11. Construction activities related to structures, floats or lifts extend <25% of the waterway width at OHW or MLW during the TOY work restriction specified in GC 18. The purpose is to avoid impeding fish migration; and
	12. Structures, floats or lifts are located >25 feet from property lines. The Corps may require a letter of no objection from the abutter(s).
 | 1. New or expanded private structures, floats or lifts, including floatways/skidways (seasonal and permanent). (ME only) Note: Designing projects in accordance with 2 - 12 in the Self-Verification Eligible column is required in the other five states as applicable, but recommendedin Maine to ensure an efficient Corps review; or
2. Structures, floats and lifts that are not eligible for self-verification; or
3. Expansions, reconfigurations, reconfiguration zones, or modifications at any authorized boating facility; or
4. New, expansions, reconfigurations, reconfiguration zones, or modifications of structures, floats or lifts that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc
 | 1. New boating facilities8, including any change that converts a private structure, float or lift to a boating facility; or

2. Structures, floats or ancillary portions of structures or floats over tidal waters for the purpose of activities usually associatedwith land, including but not limited to benches, decks, sunbathing and picnicking. |
| Notes:1. GCs 7(c) and 10 are particularly relevant.
2. GC 18 is particularly relevant. This states that there is no TOY restriction for GP 3 except as specified above and provided certain requirements are met, one of which are the pile-driving requirements of GC 12.
3. The term pile-supported also refers to wheel-supported structures.
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| **GP 4. Aids to Navigation and Temporary Recreational Structures (Section 10; navigable waters of the U.S.)**a. Aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (USCG). (See 33 CFR 66, Chapter I, subchapter C); andb. Temporary buoys, markers, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 4/IP Required |
| 1. Temporary buoys, markers and similar structures placed for recreational use during specific events are removed within 30 days after event or, if placed during winter events on frozen ice, are removed before spring thaw.
 | 1. Temporary buoys, markers and similar structures placed for recreational use during specific events are not removed within 30 days after event or, if placed during winter events on frozen ice, are not removed before spring thaw.
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| Note:1. GCs 7(d) and 18 are particularly relevant. This states that there is no TOY restriction for GP 4 provided certain requirements are met. |

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| **GP 5. Dredging (Section 10; navigable waters of the U.S.), Disposal of Dredged Material (Sections 404 &103; tidal and non-tidal waters of the U.S.), and Beach Nourishment (10 & 404; tidal and non-tidal waters of the U.S.)**New dredging and maintenance dredging, including:1. Return water from an upland contained dredged material disposal area where the quality of the return water is controlled by the state through the Section 401 WQC procedures; and
2. Disposal of dredged material at a confined aquatic disposal site, beach nourishment site, or designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; and
3. Beach nourishment.
 |
| Self-Verification Eligible | PCN Required | Not authorized under GP 5/IP Required |
| 1. No new dredging;
2. Maintenance dredging with:
	* 1. Upland disposal; and
		2. Dredge area ≤½ acre; and
		3. No impacts to SAS or intertidal areas; and
		4. No area or volume of material in VT;
3. The primary purpose of the dredging is navigation (e.g., not sand mining);
4. Disposal does not involve beach nourishment, open water, ocean, or confined aquatic disposal;
5. Dredging or disposal does not occur within 100 feet of vegetated shallows or shellfish beds;
6. Dredging does not occur in areas considered occupied by Atlantic salmon (see GC 8); or
7. Dredging does not occur in shortnose sturgeon wintering areas shown at [www.nero.noaa.gov/prot\_res/shortnosesturgeon/dpsmaps.html](http://www.nero.noaa.gov/prot_res/shortnosesturgeon/dpsmaps.html). (ME only) [NOTE: SITE UNDER CONSTRUCTION]; and
 | 1. New dredging:
	1. ≤½ acre in CT or VT; ≤25,000 cubic yards (CY) in ME or RI; ≤1/2 acre or 10,000 CY in MA; or ≤20,000 SF in NH; or
	2. ≤1000 SF of impacts to SAS, or ≤1000 SF of impacts to intertidal areas (see Note 2 below); (CT, ME, MA, NH & RI only); or
2. Maintenance dredging with:
3. Non-upland disposal; or
4. Dredge area >½ acre; or
5. ≤½ acre of impacts to SAS or intertidal areas in CT, ME, MA, NH & RI; or
6. Dredge area ≤½ acre in VT; or
7. The primary purpose of the dredging is not navigation (e.g., sand mining); or
8. Disposal involves beach nourishment, open water, ocean, or confined aquatic disposal; or
9. Dredging or disposal occurs within 100 feet of vegetated shallows or shellfish beds; or
10. Dredging in areas considered occupied by Atlantic salmon (see GC 8); or
11. Dredging in areas outside those considered occupied by Atlantic salmon but within shortnose sturgeon wintering areas shown at [www.nero.noaa.gov/prot\_res/shortnosesturgeon/dpsmaps.html](http://www.nero.noaa.gov/prot_res/shortnosesturgeon/dpsmaps.html). (ME only) [NOTE: SITE UNDER CONSTRUCTION].
 | 1. New dredging that does not meet the PCN requirements; or
2. Maintenance dredging with:
3. >½ acre of impacts to SAS or intertidal areas in CT, ME, MA, NH & RI; or
4. Dredge area >½ acre in VT; or

3. Disposal of dredged material at an open water or confined aquatic disposal site in VT. |
| Notes:1. See Section VI for the definitions of new and maintenance dredging. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc.
2. The mitigation requirements in GC 4(d) are particularly relevant for impacts to tidal SAS or intertidal areas.
3. GCs 8 and 17(f) are particularly relevant for beach nourishment. GC 10(c) does not apply to dredging.
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| **GP 6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges (Section 404; tidal and non-tidal waters of the U.S.)** Discharges of dredged or fill material incidental to the construction and modification of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. A USCG Authorization Act Exemption or a STURRA (144h) exemption do not constitute USCG authorization. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 6/IP Required |
| 1. All discharges of dredged or fill material incidental to the construction of bridges,
 |  | 1. Causeways and approach fills. These may be eligible for authorization under GP 10. |

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| **GP 7. Bank Stabilization (Sections 10 &404, tidal and non-tidal waters of the U.S.)**Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Shoreline stabilization activities (e.g., breakwaters, groins, jetties) in tidal and non-tidal waters are not authorized under this GP. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 7/IP Required |
| 1. The bank disturbance is:
	1. ≤100 feet in total length on each side of the stream, and
	2. ≤1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or high tide line (HTL); and
2. The slope of the structure is more gradual than 1V:3H in lakes and ponds; and 1V:1H in non-tidal streams and tidal waters and streams; and
3. The activity does not occur in SAS other than a) non-tidal wetlands or b) non-tidal vegetated shallows; and
4. The activity does not occur in Lake Champlain, Lake Memphremagog or Wallace Pond. (VT only)
 | 1. The bank disturbance is:
	1. >100 feet in total length on each side of the stream, or
	2. >1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or high tide line (HTL); or
2. The slope of the structure is steeper than 1V:3H in lakes and ponds; and 1V:1H in non-tidal streams and tidal waters and streams; or
3. The activity occurs in SAS other than a) non-tidal wetlands or b) non-tidal vegetated shallows; or
4. The activity occurs in Lake Champlain, Lake Memphremagog or Wallace Pond (VT only).
 | 1. The activity is >500 feet in total length on each side of the bank unless the Corps waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse effects; or
2. Activities are not designed to minimize impacts to aquatic resources, including wetland vegetation, diversion of overland flow, and impacts on and scour of neighboring properties;[[10]](#footnote-10) or
3. Material is placed in excess of the minimum needed for erosion protection; or
4. Material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the U.S.; or
5. Material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas) or
6. The activity is a stream channelization or relocation activity.
7. Shoreline stabilization activities in tidal and non-tidal waters.
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| Notes:1. See GP 1 for the replacement of existing, currently serviceable structures.
2. Bank stabilization structures should be designed to minimize environmental effects, effects to neighboring properties, etc. to the maximum extent practicable. This means using the appropriate, least intrusive method to stabilize the bank following this sequential minimization process: avoidance, diversion of overland flow, vegetative stabilization, stone-sloped surfaces, and walls. Vertical walls/bulkheads must only be used in situations where reflected wave energy can be tolerated. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas.
3. See the state-specific supplements for INSERT STATES HERE (Section IX, Part A) for information on state protections for banks and fluvial geomorphic processes.
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| **GP 8. Residential, Commercial and Institutional Developments (Sections 10 &404, non-tidal waters of the U.S.); Recreational Facilities (Section 404, non-tidal waters of the U.S).**Discharges of dredged or fill material for the construction or expansion of a) residences and residential subdivisions; b) residential, commercial and institutional building foundations and building pads; and c) recreational facilities. This GP authorizes attendant features that are necessary for the use such as parking lots, garages, yards, and infrastructure. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. Examples of recreational facilities include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds. Associated utilities and roads are eligible for authorization under Activities 9 and 10 respectively. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 8/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. The activity does not occur in navigable waters of the U.S.; and
3. Stream channelization, relocation or loss of stream bed including impoundments does not occur.
4. Components of a stormwater treatment system do not occur in tidal or non-tidal waters of the U.S.
5. Components of a subsurface sewerage disposal system do not occur in tidal or non-tidal waters of the U.S except for non-porous, septic effluent pipes that transmit effluent to or between components.
 | 1. Impacts meet the PCN limits on page 4; or
2. The activity occurs in navigable waters of the U.S.; or
3. Stream channelization, relocation or loss of stream bed including impoundments occurs.
4. Components of a stormwater treatment system occur in tidal or non-tidal waters of the U.S.
5. Components of a subsurface sewerage disposal system occur in tidal or non-tidal waters of the U.S. This does not apply to non-porous, septic effluent pipes that transmit effluent to or between components, however the associated impacts for these pipes count towards the PCN limits on page 4.
 | 1. Impacts require an IP as stated on page 4.
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| Note:1. Impacts include the aggregate total impact area for subdivisions and associated individual lots.
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| **GP 9. Utility Line Activities[[11]](#footnote-11) (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Eligible for authorization are the activities in (a) - (c) below. Access roads are eligible for authorization under GP 10. For a(1), b(1) and c(1) below, and any other associated activities (e.g., Activity 16), if the total impact area for all single and complete projects requires a PCN, then a PCN is required for the overall project. The PCN must describe the locations of the starting point, end point, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects of the overall project. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 9/IP Required |
| (a) The construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines in tidal and non-tidal waters of the U.S. |
| 1. Impacts for the overall project meet the SV limits on page 4; and
2. The activity does not occur in, over or under navigable waters of the U.S.; and
3. Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments; and
4. There is no permanent change in pre-construction contours in waters of the U.S.; and
5. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for ≤3 months and is placed in such a manner that it is not dispersed by currents or other forces; and
6. The utility line is placed within and does not a) run parallel to, or b) along a stream bed; and
7. Overhead utility lines are not constructed over navigable waters or utility lines are not routed in or under navigable waters; and
8. Stream channelization, relocation or loss of stream bed including impoundments does not occur; and
9. There is no discharge in SAS other than wetlands.
 | 1. Impacts for the overall project exceed the lower PCN limit on page 4. The overall project may exceed the PCN limit on page 4 and still be eligible under GP 9 (will not require an IP) provided no single and complete project requires an IP; or
2. The activity occurs in, over or under navigable waters of the U.S.; or
3. Intake structure other than dry hydrants used exclusively for firefighting activities with no stream impoundments; or
4. There is a permanent change in pre-construction contours in waters of the U.S.; or
5. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for >3 months or is placed in such a manner that it is dispersed by currents or other forces; or
6. The utility line is placed within and runs parallel to or along a stream bed; or
7. Overhead utility lines are constructed over navigable waters or utility lines are routed in or under navigable waters; or
8. Stream channelization, relocation or loss of stream bed including impoundments occurs; or
9. There is a discharge in SAS other than wetlands.
 | 1. The overall project will require an IP if any single and complete project requires an IP as stated on page 4. |
| See notes below. |
| Self-Verification Eligible | PCN Required | Not authorized/IP Required |
| (b) The construction, maintenance, or expansion of utility line substation facilities associated with a power line or utility line in non-tidal waters of the U.S. |
| 1. Impacts for the overall project meet the SV limits on page 4; and
2. Stream channelization, relocation or loss of stream bed including impoundments does not occur.
 | 1. Impacts for the overall project meet the PCN limits on page 4; or
2. Stream channelization, relocation or loss of stream bed including impoundments occurs.
 | 1. Impacts require an IP as stated on page 4.
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| See notes below. |
| Self-Verification Eligible | PCN Required | Not authorized/IP Required |
| (c) The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in tidal and non-tidal waters of the U.S. provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible. |
| 1. Impacts for the overall project meet the SV limits stated on page 4.
 | 1. Impacts for the overall project meet the PCN limits stated on page 4.
 | 1. Impacts require an IP as stated on page 4. |
| Notes for (a) - (c) above:1. Where the proposed utility line is temporarily or permanently constructed or installed in tidal or non-tidal navigable waters of the U.S. (i.e., Section 10 waters), the Corps will send the application and any written verification to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service for charting the utility line to protect navigation. Permittees should refer to the special conditions in the Corps written verification for requirements.2. For overhead utility lines authorized by this GP, the Corps will send the application and any written verification to the Department of Defense Siting Clearinghouse[[12]](#footnote-12), which will evaluate potential effects on military activities.3. GC 13 and 17(f) are particularly relevant.4. Impacts resulting from mechanized pushing, dragging, or other similar activities that redeposit excavated soil material shall be figured into the area limit determination on page 4. |

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| **GP 10. Linear Transportation Projects** including Stream Crossings **(Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) and attendant features. Any stream channel modification is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. For the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, the minimization requirement in GC 4 is particularly relevant and access roads shall be constructed as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the U.S. must be properly bridged or culverted to maintain surface flows. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 10/IP Required |
| 1. Impacts for the overall project meet the SV limits on page 4; and
2. Stream channelization, relocation or loss of stream bed including impoundments does not occur; and
3. The activity does not occur in navigable waters of the U.S. This includes temporary or permanent stream crossings, for which PCN review process guidelines are provided in the “Permanent Crossings in Tidal Streams” section of the Stream Crossing BMP document[[13]](#footnote-13); and
4. Permanent stream crossings [new crossings, replacement crossings and expansions of existing crossings (e.g., culvert extensions)] in non-tidal streams comply with the “Permanent Crossings in Non-Tidal Streams” section of the Stream Crossing BMP document13 and are constructed in dry conditions [GC 17(f) is particularly relevant]; and
5. Temporary stream crossings in non-tidal streams comply with the “Temporary Crossings in Non-Tidal Streams” section of the Stream Crossing BMP document14; and
6. Existing crossings (e.g., culverts, elliptical or arch pipes, etc.) are not modified by a) decreasing the diameter of the crossing or b) changing the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining; and
7. There is no discharge in SAS other than wetlands.
 | 1. Impacts for the overall project meet the PCN limits on page 4. If the total impact area for all single and complete projects requires a PCN, then a PCN is required for the overall project. This includes other associated activities (e.g., GP 14). The PCN must describe the locations of the starting point, end point, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects of the overall project; or
2. Stream channelization, relocation or loss of stream bed including impoundments occurs;
3. Temporary or permanent stream crossings occur in navigable waters of the U.S (see note 2 below). PCN review process guidelines for crossings in tidal streams are provided in the “Permanent Crossings in Tidal Streams” section of the Stream Crossing BMP document13; or
4. Permanent stream crossings [new crossings, replacement crossings and expansions of existing crossings (e.g., culvert extensions)] in non-tidal streams (see note 2 below) do not comply with the “Permanent Crossings in Non-Tidal Streams” section of the Stream Crossing BMP document14 or are not constructed in dry conditions [GC 17(f) is particularly relevant]; or
5. Temporary stream crossings in non-tidal streams do not comply with the “Temporary Crossings in Non-Tidal Streams” section of the Stream Crossing BMP document14; or
6. Existing crossings (e.g., culverts, elliptical or arch pipes, etc.) are modified by a) decreasing the diameter of the crossing or b) changing the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining; or
7. There is a discharge in SAS other than wetlands.
 | 1. Impacts require an IP as stated on page 4; or
2. Non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.
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| Notes:1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters may be authorized under GP 6.
2. a) GC 1 is particularly relevant. The states’ stream crossing requirements may be more stringent than the Corps requirements. The states’ standards are located at: [www.nae.usace.army.mil/Missions/Regulatory.aspx](http://www.nae.usace.army.mil/Missions/Regulatory.aspx) >> [Stream and River Continuity](http://www.nae.usace.army.mil/Missions/Regulatory/StreamandRiverContinuity.aspx); b) GC 19 is particularly relevant.
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| **GP 11. Mining Activities (Sections 10 and 404; non-tidal waters of the U.S.)**Discharges of dredged or fill material into non-tidal waters of the U.S. for mining activities, except for coal mining activities. If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with any PCN. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 11/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. The activity does not occur in navigable waters of the U.S.; and
3. Stream channelization, relocation or loss of stream bed including impoundments does not occur.
 | 1. Impacts meet the PCN limits on page 4; or
2. The activity occurs in non-tidal navigable waters of the U.S.; or
3. Stream channelization, relocation or loss of stream bed including impoundments occurs.
 | 1. Impacts require an IP as stated on page 4.2. The activity occurs in tidal waters of the U.S. |

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| **GP 12. Boat Ramps and Marine Railways (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Activities required for the construction of boat ramps and marine railways. If dredging in navigable waters of the U.S. is necessary to provide access to the boat ramp, the dredging must be authorized by another GP 5. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 12/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. The activity does not occur in navigable waters of the U.S.; and
3. Boat ramps are not located within 25 feet of property lines. The Corps may require a letter of no objection from the abutter(s); and
 | 1. Impacts meet the PCN limits on page 4; or
2. The activity occurs in navigable waters of the U.S.; or
3. Boat ramps are located within 25 feet of property lines. The Corps may require a letter of no objection from the abutter(s).
 | 1. Base material other than crushed stone, gravel or other suitable and structurally stable material; or
2. Excavation beyond that limited to the area necessary for site preparation; or
3. Excavated material that is removed to an area that has waters of the U.S.
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| **GP 13. Land and Water-Based Renewable Energy Generation Facilities (Sections 10 and 404; tidal and non-tidal waters of the U.S.), and Hydropower Projects (Section 404****; tidal and non-tidal waters of the U.S.)**Structures and work in navigable waters of the U.S. and discharges of dredged or fill material into tidal and non-tidal waters of the U.S. for the construction, expansion, modification or removal of:a) Land-based renewable energy production facilities, including attendant features;b) Water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features; and c) Discharges of dredged or fill material associated with hydropower projects: i) at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended, or the appropriate state or local permitting agency; or ii) with a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.For (a) and (b) above, such facilities include water-based wind or hydrokinetic renewable energy generation projects and infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots. For each single and complete project in (b) above, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized in navigable waters of the U.S. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 13/IP Required |
| For land-based facilities:1. Impacts in non-tidal waters meet the SV limits on page 4; and
2. The activity does not occur in tidal waters of the U.S.; and
3. Stream channelization, relocation or loss of stream bed including impoundments does not occur.

For water-based facilities and hydropower projects:1. No activities are eligible.
 | For land-based facilities:1. Impacts in non-tidal waters meet the PCN limits on page 4; or
2. The activity occurs in tidal waters of the U.S.; or
3. Stream channelization, relocation or loss of stream bed including impoundments occurs.

For water-based facilities and hydropower projects:1. All work eligible for authorization under this activity provided any discharges do not exceed the PCN limits on page 4.
 | 1. Impacts require an IP as stated on page 4. |
| Notes:1. Utility lines constructed to transfer the energy from the land-based renewable generation or collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and those utility lines may be authorized by GP 9 or another Corps authorization. If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Corps authorization are discharges of dredged or fill material into waters of the U.S. to construct, maintain, repair, and/or remove utility lines, then GP 9 shall be used if those activities meet the terms and conditions of GP 9, including any case-specific conditions imposed by the Corps.
2. For temporary or permanent projects authorized under GP 14, including any transmission lines, placed in navigable waters of the U.S. (i.e., section 10 waters) the Corps will send copies of the PCN and verification to NOAA, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation. Permittees should refer to the special conditions in the Corps written verification for requirements.
3. For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, the Corps will provide a copy of the PCN and verification to the Department of Defense Siting Clearinghouse12, which will evaluate potential effects on military activities.
4. Structures in an anchorage area established by the USCG must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.
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| **GP 14. Temporary Construction, Access, and Dewatering (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps or the USCG. This also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or USCG permit requirements. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 14/IP Required |
| 1. Temporary discharges (except for temporary construction mats) in non-tidal waters of the U.S.:a. Impacts meet the SV limits on page 4; andb. Are in place in wetlands for no portion of more than one growing period, andc. Are in place for ≤6 months in streams or open water or ≤24 months for stream crossings that are done in accordance with the Stream Crossing BMPs; and2. Temporary construction mats in non-tidal waters of the U.S., regardless of the area, that:a. Are in place in wetlands for: i) <1 year when installed during the growing period, and ii) no portion of more than one growing period when installed outside the growing period (See Note 3 below), and b. Are in place for ≤6 months in streams or open water; andc. Do not involve underlying fill; and3. Temporary structures in navigable waters are not eligible for SV; and4. There is no discharge in SAS other than wetlands; and5. No temporary fill, including construction mats, in tidal waters. | 1. Temporary discharges (except for temporary construction mats) in non-tidal waters of the U.S.:a. Impacts meet the PCN limits on page 4; orb. Are in place in wetlands for any portion of more than one growing period, orc. Are in place for >6 months in streams or open water or >24 months for stream crossings that are done in accordance with the Stream Crossing BMP; or2. Temporary construction mats in non-tidal waters of the U.S., regardless of the area, that:a. Are in place in wetlands for: i) >1 year when installed during the growing period, or ii) any portion of more than one growing period when installed outside the growing period, orb. Are in place for >6 months in streams or open water; orc. Involve underlying fill; or3. Temporary structures in navigable waters; or4. There is a discharge in SAS other than wetlands; or5. Temporary fill, including construction mats, in tidal waters. | 1. The use of cofferdams to dewater wetlands or other aquatic areas to change their use; or
2. Structures or fill left in place after construction is completed.
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| Notes:1. The growing period is from May 1 to Oct 1 for the purposes of this GP.2. GCs 14 - 17 are particularly relevant.3. See the related condition for WQC in Section IX, State-Specific Supplement, Part A. |

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| **GP 15. Reshaping Existing Drainage Ditches (Section 404; non-tidal waters of the U.S)**Discharges to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. Compensatory mitigation is not required because the work is designed to improve water quality. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 15/IP Required |
| 1. ≤500 linear feet of drainage ditch will be reshaped.
 | 1. >500 linear feet of drainage ditch will be reshaped. | 1. The relocation of drainage ditches constructed in waters of the U.S.; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch; or
2. Stream channelization or stream relocation projects; or
3. The reshaping of ditches that increases drainage capacity beyond the original as-built capacity or that expands the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the U.S.).
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| Note:1. GCs 14 **-** 16 are particularly relevant. |

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| **GP 16. Oil Spill and Hazardous Material Cleanup (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Eligible for authorization are the activities in (a) - (c) below. SAS should be restored in place at the same elevation. |
| (a) Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:a. The Spill Control and Countermeasure Plan required by 40 CFR 112.3;b. The direction or oversight of the Federal on-scene coordinator designated by 40 CFR 300; c. Any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts, or the Regional Response Team in MA does not object to the response effort. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 16/IP Required |
| 1. Activities conducted in response to a discharge or release of oil and hazardous substances are conducted in accordance with (a) above regardless of whether impacts meet the SV limits on page 4. | 1. Activities conducted in response to a discharge or release of oil and hazardous substances are not conducted in accordance with (a) above and impacts meet or exceed the PCN limits on page 4. |  |
| (b) Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA’s polychlorinated biphenyl (PCB) spill response regulations at 40 CFR 761. Applicable PCB cleanup is regulated under this GP 16, not GP 17. |
| Self-Verification Eligible | PCN Required | Not authorized/IP Required |
| 1. Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment are conducted in accordance with (b) above regardless of whether impacts meet the SV limits on page 4. | 1. Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment are not conducted in accordance with (b) above and impacts meet or exceed the PCN limits on page 4. |  |
| (c) The use of structures and fills for spill response training exercises. |
| Self-Verification Eligible | PCN Required | Not authorized/IP Required |
| 1. No permanent impacts and no permanent structures are proposed. See GP 14 for temporary impacts.
 | 1. Permanent impacts meet the PCN limits on page 4, or permanent structures. See GP 14 for temporary impacts.
 | 1. Impacts require an IP as stated on page 4.
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| Note: Permittees have until two weeks following commencement of the activities in GP 16 (a) and (b) to submit the SVNF. |

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| **GP 17. Cleanup of Hazardous and Toxic Waste (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Specific activities to effect the containment, stabilization, or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements, which are performed, ordered or sponsored by a government agency with established legal or regulatory authority. SAS should be restored in place at the same elevation.  |
| Self-Verification Eligible | PCN Required | Not authorized under GP 17/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. The activity does not occur in navigable waters of the U.S.; and
3. Stream channelization, relocation or loss of stream bed does not occur; and
4. The project does not involve establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.
 | 1. Impacts meet or exceed the PCN limits on page 4; or
2. The activity occurs in navigable waters of the U.S.; or
3. Stream channelization, relocation or loss of stream bed occurs; or
4. The project involves establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste; or
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| Notes:1. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.2. Permittees have until two weeks following commencement of the activities in GP 17 to submit the SVNF. |

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| **GP 18. Scientific Measurement Devices (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Scientific measurement devices for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Also eligible are small weirs and flumes constructed primarily to record water quantity and velocity. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable.  |
| Self-Verification Eligible | PCN Required | Not authorized under GP 18/IP Required |
| 1. The discharge is ≤100 SF in a) tidal waters; or b) Lake Champlain, Lake Memphremagog or Wallace Pond in VT; and
2. The activity does not involve permanent biological sampling devices in non-navigable waters, biological sampling devices in navigable waters; or weirs and flumes.
 | 1. The discharge is >100 SF in a) tidal waters; or b) Lake Champlain, Lake Memphremagog or Wallace Pond in VT; or
2. The activity involves permanent biological sampling devices in non-navigable waters, biological sampling devices in navigable waters; or weirs and flumes are installed.
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| Notes: 1. GCs 16 and 19 are particularly relevant.
2. GC 18 is particularly relevant. This states that there is no TOY restriction for GP 18 provided certain requirements are met. However, the TOY restrictions *apply* to GP 18 if weirs and flumes are installed.
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| **GP 19. Survey Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching. and historic resources surveys. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 19/IP Required |
| 1. Impacts in non-tidal waters meet the SV limits on page 4; and
2. The discharge is ≤500 SF in a) tidal waters; or b) Lake Champlain, Lake Memphremagog or Wallace Pond in VT; and
3. Exploratory trenching does not occur in waterways (e.g., streams, tidal waters). Exploratory trenching in non-tidal wetlands is eligible for self-verification.
 | 1. Impacts in non-tidal waters meet the PCN limits on page 4; or
2. The discharge is >500 SF in a) tidal waters, or b) Lake Champlain, Lake Memphremagog or Wallace Pond in VT; or
3. Exploratory trenching occurs in waterways (e.g., streams, tidal waters).
 | 1. Impacts in non-tidal waters require an IP as stated on page 4; or
2. The discharge in a) tidal waters, or b) Lake Champlain, Lake Memphremagog or Wallace Pond in VT, requires an IP as stated on page 4; or
3. Discharges and structures associated with the recovery of historic resources, and the drilling and the discharge of excavated material from test wells for oil and gas exploration. However, the plugging of such wells is authorized.
 |
| Notes:1. GC 18 is particularly relevant. This states that there is no TOY restriction for GP 19 provided certain requirements are met. Trenching is typically a sediment producing activity.
2. For the purposes of this GP, the term “exploratory trenching” means mechanical land or underwater clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the U.S.
3. The discharge of drilling mud and cuttings may require a permit under Section 402 of the CWA.
4. A Self-Verification Notification Form is not required for wetland delineations, core sampling conducted for preliminary evaluation of dredge project analysis, and historic resource surveys.
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| **GP 20. Agricultural Activities (Section 404;** non-tidal waters of the U.S.**)**Discharges of dredged or fill material for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the U.S.; and similar activities. This also authorizes the construction of farm ponds in non-tidal waters of the U.S.,excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This also authorizes discharges of dredged or fill material into non-tidal waters of the U.S. to relocate existing serviceable drainage ditches constructed in non-tidal streams. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 20/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. Stream channelization, relocation, loss of stream bed, or farm ponds in streams does not occur.
 | 1. Impacts meet the PCN limits on page 4; or
2. Stream channelization, relocation, loss of stream bed, or farm ponds in non-perennial streams occurs.
 | 1. Impacts require an IP as stated on page 4; or
2. The construction of farm ponds in perennial streams or aquaculture ponds.
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| Notes:1. ~~“Loss of waters of the U.S.”~~ Permanently impacts as defined in Section VI include~~s~~ waters of the U.S. that are permanently adversely affected by drainage because of the regulated activity, and shall therefore be figured into the area limit determination on page 4. |

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| **GP 21. Fish and wildlife harvesting, enhancement and attraction devices and activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Fish and wildlife harvesting devices and activities such as lobster pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, shellfish seeding including brushing the flats, the restoration and enhancement of shellfish, fish aggregating devices, aquaculture, and small fish attraction devices such as open-water fish concentrators (sea kites, etc.). See Section IX, Part D for aquaculture activities. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 21/IP Required |
| 1. No pound nets other than those a) traditionally used for lobster or b) installed by a state fishery agency;
2. Structures, devices, etc. that are not located in SAS in tidal waters. Crab and lobster traps in SAS in tidal waters are eligible for self-verification; and
3. No crab dredging in intertidal SAS; and
4. No placement of shell cultch (the requirements for cultch in Section IX, Part D, apply) unless sponsored by a Federal or state agency.
 | 1. Pound nets other than those a) traditionally used for lobster or b) installed by a state fishery agency; or
2. Structures, devices, etc. that are located in SAS in tidal waters. A PCN is not required for crab or lobster traps; or
3. Crab dredging in intertidal SAS or mussel dredging in SAV; or
4. Placement of shell cultch (the requirements for cultch in Section IX, Part D, apply) that is not sponsored by a Federal or state agency.
 | 1. Artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.
 |
| Notes:1. GC 18 is particularly relevant. This states that there is no TOY restriction for GP 21 provided certain requirements are met.
2. A Self-Verification Notification Form is not required for work authorized under GP 21.
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| **GP 22. Habitat Restoration, Establishment and Enhancement Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**Activities associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including nuisance aquatic species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services and have no more than minimal individual and cumulative effects on the aquatic environment. This is limited to restoration, enhancement and establishment activities that are proactive, and compensatory mitigation projects provided by in lieu fee programs or mitigation banks. |
| Self-Verification Eligible | PCN Required | Not authorized under GP 22/IP Required |
| 1. Impacts meet the SV limits on page 4; and
2. SAS planting ≤100 SF in tidal waters; and
3. The activity is authorized in writing by a state or non-Corps Federal environmental agency. Water impoundments require a PCN; and
4. The conversion of: i) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, dam removal, etc.) or uplands does not occur, and ii) one wetland type to another (e.g., forested wetland to an emergent wetland) does not occur. (See Note 3); and
5. Compensatory mitigation projects provided by in lieu fee programs or mitigation banks are not eligible for self-verification.
 | 1. Impacts meet or exceed the PCN limits on page 4; or
2. SAS planting >100 SF in tidal waters; or
3. The activity a) doesn’t require written authorization by, or is not authorized in writing, by a state or non-Corps Federal environmental agency, or b) involves water impoundments; or
4. The conversion of: i) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, dam removal, etc.) or uplands, ii) one wetland type to another (e.g., forested wetland to an emergent wetland). (See Note 3.); or
5. Compensatory mitigation projects provided by in lieu fee programs or mitigation banks.
 | 1. Stream channelization. |
| Notes:1. GC 8 states PCN is required for any activity that might affect listed species or habitat. This includes beneficial effects.

2. Nationwide Permit 27, published in the 2/21/12 Federal Register, provides a limited list of activities that may be eligible for authorization under GP 25.3. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. |

**IV. GENERAL CONDITIONS:**

GPs must comply with the following general conditions (GCs), as applicable, to be eligible for authorization under this GP.

* + - * 1. Other Permits
				2. Federal Jurisdictional Boundaries

3. Minimal Direct, Secondary, and Cumulative Impacts

4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)

5. Single and Complete Projects

6. Historic Properties

7. Corps Projects and Property

8. Federal and State Threatened and Endangered Species

9. Wild and Scenic Rivers

10. Navigation

11. Federal Liability

12. Pile Driving and Removal

13. Utility Line Installation and Monitoring

14. Heavy Equipment in Wetlands

15. Temporary Fill

16. Restoration of Special Aquatic Sites (including wetland areas).

17. Soil Erosion, Sediment and Turbidity Controls

18. Time of Year Work Windows and Restrictions.

19. Aquatic Life Movements & Management of Water Flows

20. Water Quality and Coastal Zone Management

21. Floodplains and Floodways

22. Storage of Seasonal Structures

23. Spawning, Breeding, and Migratory Areas24. Vernal Pools

25. Invasive and Other Unacceptable Plant Species

26. St. John/St. Croix Rivers (ME only)

27. Cape Cod Canal Review Area (MA only)

28. Programmatic Agreements

29. Permit On-Site

30. Self-Verification Notification Form

31. Inspections

32. Maintenance

33. Property Rights

34. Transfer of GP Verifications

35. Modification, Suspension, and Revocation

36. Special Conditions

37. False or Incomplete Information

38. Abandonment

39. Enforcement Cases

40. Previously Authorized Activities

41. Duration of Authorization

**1. Other Permits.** Permittees must obtain other Federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining all required state or local approvals. Work that is not regulated by the state, but is subject to Corps jurisdiction, may be eligible for self-verification under this GP.

**2. Federal Jurisdictional Boundaries**

Activities shall be evaluated with reference to Federal jurisdictional boundaries.  Applicants are responsible for ensuring that the boundaries depicted on permit drawings satisfy the Federal criteria defined at 33 CFR 328-329. See [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Jurisdictional Limits and Wetlands for more information on delineating jurisdictional areas.

**3. Minimal Direct, Secondary, and Cumulative Impacts[[14]](#footnote-14)**

Projects shall have no more than minimal direct, indirect, secondary and cumulative environmental effects. Project proponents shall predict secondary, indirect, and cumulative effects to the extent reasonable and practicable. All PCNs should include this information.

**4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)**

a. Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site (i.e., on site).

b. Consideration of mitigation (avoiding, minimizing, rectifying, reducing, or compensating) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.

c. Applicants shall consider low impact development (LID) best management practices (BMPs) to minimize impacts through reducing impervious cover and managing stormwater to the maximum extent practicable[[15]](#footnote-15).

d. Compensatory mitigation[[16]](#footnote-16):

i. Compensatory mitigation for losses of waters of the U.S., including temporal losses[[17]](#footnote-17), will generally be required for activities requiring PCN to offset unavoidable impacts and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary impacts may generally be excluded from this requirement.

ii. For losses of streams or other open waters that require PCN, the Corps will typically require compensatory mitigation, such as stream restoration, to ensure that the activity results in no more than minimal adverse effects on the aquatic environment.

iii. A PCN is required if the total impacts of the project and/or the mitigation exceed the PCN limits on page 4 or any other PCN limits in this GP.

**5. Single and Complete Projects**

~~a. If the total loss of waters of the U.S. for a single and complete project’s regulated activities: i) require a PCN, a PCN is required for that single and complete project; or ii) require an IP, an IP is required for that single and complete project. All components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions including all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project.~~

b. Two or more different GPs can be combined to authorize a single and complete project, provided the total temporary and permanent impacts to waters of the U.S. do not exceed the GP with the highest area limit. However, the same GP cannot be used more than once for the same single and complete project.

c. A non-linear single and complete project18 must have independent utilityand may not be “piecemealed” to avoid the limits in a GP authorization. Proponents must quantify any historic permanent fill associated with the single and complete project.

d. This GP shall not be used for any activity that is part of an overall project for which an IP is required unless the Corps determines that the activity is a single and complete project[[18]](#footnote-18).

**6. Historic Properties**

a. No activity shall cause effects [defined at 33 CFR 325 Appendix C] on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places[[19]](#footnote-19), including identification of previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act.

b. For activities eligible for SV, proponents must ensure and document that the activity will not cause effects as stated in 6(a). Proponents must submit a PCN if the authorized activity may cause effects as stated in 6(a) as soon as possible to ensure that the Corps is aware of any potential effects of the permitted activity on any historic property to ensure all Section 106 requirements. Information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or the National Register of Historic Places [see 33 CFR 330.4(g)]. See Section IX, Part B(2), for state specific guidance.

c. All PCNs shall: i) show notification to the SHPO and applicable THPO(s)[[20]](#footnote-20) as specified in Section IX, Part B(2), ii) state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties, and iii) include any available documentation from the SHPO or THPO(s) indicating that there are or are not historic properties affected. Starting consultation early in project planning can save proponents time and money.

d. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

**7. Corps Projects and Property**

1. In addition to any authorization under these GPs, proponents must contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents evidencing site-specific permission to work.
2. Any proposed temporary or permanent modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), which would obstruct or impair the usefulness of the Federal project in any manner, and/or would involve changes to the authorized Federal project’s scope, purpose, and/or functioning that go beyond minor modifications required for normal operations and maintenance, is not eligible for SV and requires review and approval by the Corps pursuant to 33 USC 408.
3. Any structure or work within any Corps Federal Navigation Project (FNP) (see Section VI for a list) or its buffer zone[[21]](#footnote-21), shall be subject to removal at the owner’s expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. See GC 10 for more requirements related to FNPs.

**8. Federal and State Threatened and Endangered Species**

1. No activity is authorized which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized which ‘‘may affect’’ a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
2. A PCN is required if a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as “listed species or habitat”), as identified under the ESA, is present in the action area[[22]](#footnote-22). Applicants must check the following NMFS and USFWS websites to ensure that listed species or habitat arenot present in the action area or to provide information on Federally-listed species or habitat to allow the Corps to conduct any required consultation under Section 7 of the ESA.
	1. For tidal and non-tidal waters in CT, MA, NH, RI & VT, go to:

* + 1. http://ecos.fws.gov/ipac/, select “Initial Project Scoping,” and follow Step 1 **-** 3 to determine if listed species or habitat are present in the action area; and
		2. http://www.nero.noaa.gov/protected/section7.
	1. For tidal and non-tidal waters in ME, go to:
1. [www.fws.gov/mainefieldoffice/Project%20reviews.html](http://www.fws.gov/mainefieldoffice/Project%20reviews.html); and
2. [www.nero.noaa.gov/prot\_res/altsalmon/dpsmaps.html](http://www.nero.noaa.gov/prot_res/altsalmon/dpsmaps.html).
3. A PCN is required for any activity that might affect listed species or habitat. Applicants must provide information on Federally-listed species or habitat to allow the Corps to conduct any required consultation under Section 7 of the ESA.
4. Although some work is excluded from self-verification as stated in (b) and (c) above, work may be eligible for self-verification if a “No Effect,” “Beneficial Effect,” or “Not Likely to Adversely Affect” determination has been made by another Federal action agency under Section 7 of the ESA.
5. Any activity that is Likely to Adversely Affect a listed species or habitat is not eligible for this GP.

f. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for this GP, or whether additional ESA consultation is necessary.

g. The states have specific protections for state endangered species. See the state-specific supplements (Section IX, Part A) for more information.

**9. Wild and Scenic Rivers**[[23]](#footnote-23)

a. The following activities in designated rivers or study rivers in the National Wild and Scenic River (WSR) System are not eligible for self-verification unless the National Park Service (NPS), or the White Mountain National Forest for the Wildcat Brook in NH (see Section IX, Part C for contact information), has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

1. Activities that occur in designated rivers or study rivers, in and 0.25 miles up or downstream of designated rivers or study rivers, or in tributaries within 0.25 miles of designated rivers or study rivers;
2. Activities that occur in wetlands adjacent to the segments in 9(a)(i) above;
3. Activities that have the potential to alter the free-flowing characteristics in designated rivers or study rivers.

b. The designated rivers and study rivers in New England as of the issuance date of this GP are:

1. CT: West Branch of the Farmington River from Colebrook to Canton; the Eightmile River and tributaries in Salem, Lyme and East Haddam; and the Lower Farmington River from Canton to Windsor (study river – including its tributary Salmon Brook).
2. ME: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 miles).
3. MA:
	1. Sudbury/Assabet/Concord Rivers: The Sudbury from the Danforth Street bridge in Framingham downstream to the confluence with the Assabet, the Assabet from 1,000 feet below the Damon Mill Dam downstream to the confluence with the Sudbury, and the Concord from the confluence of the Sudbury and Assabet downstream to the Route 3 bridge in Billerica.
	2. Westfield River: Shaker Mill Brook from Brooker Hill Road in Becket to its headwaters. The Upper East Branch from the Windsor/Cummington town line to its confluence; Upper East Branch Tributaries including Drowned Land Brook, Center Brook and Windsor Jambs Brook. Headwater tributaries of the West Branch, including Shaker Mill Brook from Brooker Hill Road in Becket to its confluence with the West Branch; Depot Brook; Savery Brook; Watson Brook; and Center Pond Brook from Center Pond to its confluence with the West Branch. The Lower Middle Branch, East Branch, and Main Stem in the Town of Huntington (3.2 miles) and the Upper East Branch from its confluence with Sykes Brook to its confluence with the West Branch.
	3. Taunton River: From the confluence of the Town River and Matfield River in Bridgewater downstream to Mt. Hope Bay at the Route 195 bridge in Fall River.
4. NH: Wildcat Brook from its headwaters to the confluence with the Ellis River, and the Lamprey River from the former West Epping Dam to the confluence with the Piscassic River.
5. RI: There are no designated Wild and Scenic Rivers or rivers designated as Study Rivers at the time this GP was issued. However, a bill has been introduced in Congress to study the Wood-Pawcatuck River system.
6. VT:
	* 1. Missisquoi River from its headwaters in Lowell to the Canadian border in Troy (25 miles) and from the Canadian border in East Richford to Enosburg Falls (25 miles) (study river)
		2. Trout River from its headwaters to the confluence with the Missisquoi River (20 miles). (study river).

**10.** **Navigation**

1. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.
2. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
3. This GP does not authorize work such as structures, devices, moorings, tackle, etc. in, over or under an FNP other than work authorized in GP 1, non-boating facility moorings in a Federal anchorage (GP 2), aids to navigation and temporary recreational structures (GP 4), dredging (see GC 5), bridges (GP 6), or subsurface and overhead utility lines (see GP 9). A PCN is required for any work, including structures, devices, tackle, etc., in, over or under a Corps FNP or its buffer zone unless otherwise stated in Section III, Eligible Activities.

**11. Federal Liability**

In issuing this GP, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; and
4. Design or construction deficiencies associated with the permitted work;
5. Damage claims associated with any future modification, suspension, or revocation of this permit.

**12. Pile Driving and Removal**

a.Derelict, degraded or abandoned piles in navigable waters, except for those inside of existing work footprints for piers, must be completely removed or cut and driven 3 feet below the surface to prevent interference with navigation and in some cases to remove polluting materials. Existing creosote piles in the project area that are affected by project activities should be completely removed. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method[[24]](#footnote-24) to minimize turbidity and sedimentation impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate or mudflats. The TOY restrictions in GC 18 do not apply unless specified in a written determination.

b. Creosote piles are not authorized under this GP.Chromated copper arsenate (CCA) treated wood piles or other copper-treated piles shall not be placed in state-defined shellfish beds to prevent contaminants from leaching into this habitat.

All work in a) tidal waters; b) navigable waters that are rivers in CT, ME, MA and NH; and c) waters with Essential Fish Habitat in VT (see Section VI); shall comply with the following:

c. All pile-driving work must adhere to *one* of the following five methods. Pile driving can generate underwater sound pressure waves that may injure, harm or kill managed fish and prey species.

1. Installed within the TOY window (i.e., may not occur within the TOY restriction) provided in GC 18;
2. Installed in the dry[[25]](#footnote-25) provided that project activities do not encroach >25% of the waterway width at MLW;
3. Drilled and pinned to ledge;
4. Use of vibratory hammers to install any size and quantity; or
5. Use of impact hammers provided they are limited to one hammer and <50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles <12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile.

d. The following are required for 12(c)(iii) through 12(c)(v) above[[26]](#footnote-26):

i. In-water noise levels shall not exceed >187dB SEL re 1μPa or 206dB peak re 1μPa, at any distance that is >10m from the pile being installed, and

ii. In-water noise levels >155dB peak re 1μPa shall not exceed 12 consecutive hours on any given day and a 12-hour recovery period (i.e., in-water noise below 155dB peak re 1μPa) must be provided between work days.

**13. Utility Line Installation and Monitoring**

a. Subsurface utility lines shall remain subsurface. If it is necessary to discharge dredged or filled material to keep such utility lines buried or restore them to their original subsurface condition, written verification from the Corps may be required (e.g., in the case of side casting into wetlands from utility trenches).

b. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment. In accordance with Corps New England District Regulation NEDER 1110-1-9 (www.nae.usace.army.mil/Missions/Regulatory >> [Useful Links and Documents](http://www.nae.usace.army.mil/Missions/Regulatory/UsefulLinks.aspx)), as an absolute minimum, the bottom cover associated with the initial installation of utility lines under navigable waters and navigation channels shall be 48 inches in soil or 24 inches in rock excavation in competent rock. These minimum bottom cover requirements for pipelines and cables shall be measured from the maximum depth of dredging to the top of the utility. The maximum depth of dredging, in waterways having existing FNPs, is generally considered to be the authorized project depth plus any allowance for advanced maintenance and the allowable overdepth for dredging tolerances. In waterways that do not have existing FNPs, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

c. For horizontal directional drilling work, returns of drilling fluids to the surface (i.e., frac-outs) are not authorized and require restoration in accordance with the terms and conditions of this GP. The permittee and its contractor shall have onsite and shall implement the procedures detailed in a frac-out contingency plan for monitoring drilling operations and for the immediate containment, control and recovery/removal of drilling fluids released into the environment should a discharge of material occur during drilling operations.

d. Abandoned or inactive utility lines must be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) must be removed or repaired. A written verification is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.

e. No work shall drain a water of the U.S. by providing a conduit for water on or below the surface. Trench plugs installed along pipelines may be effective.

**14. Heavy Equipment in Wetlands**

a. Operating heavy equipment in wetlands shall be minimized, and such equipment other than fixed equipment (drill rigs, fixed cranes, etc.) shall not be stored, maintained, fueled or repaired in wetlands unless the equipment is broken down and cannot be easily removed or unless it is more environmentally damaging to do otherwise. An adequate supply of spill containment equipment shall be maintained on site.

b. Where construction requires heavy equipment operation in or across wetlands, the work shall result in no more than minimal adverse effects unless otherwise authorized. The equipment must:

i. Have low ground pressure (typically ≤3 psi); or

ii. Be placed on swamp/construction/timber mats (herein referred to as “construction mats” and defined at Section VI) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or

iii. Be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands.

c. General Condition 16 is particularly relevant to impacts from heavy equipment and construction mats, especially when work occurs on soils meeting these field indicators,[[27]](#footnote-27) which are highly susceptible to shear forces: A1 (Histosol), A2 (Histic Epipedon), A3 (Black Histic), A10 (2cm Muck), S1 (Sandy Mucky Mineral), or S3 (5cm Mucky Peat or Peat).

d. When construction mats are used, they shall be placed in the wetland from the upland or from equipment positioned on construction mats if working within a wetland. Dragging construction mats into position is prohibited. Construction mats should be managed in accordance with the Construction Mat Best Management Practices (BMPs) at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Permit Resources.

e. In tidal wetlands, no dredge work shall have equipment traverse, be placed, or stored on the marsh vegetation.

**15. Temporary Fill**

1. All temporary fill shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.
2. Unconfined temporary fill authorized for discharge into waters of the U.S. (e.g., temporary stream crossings) shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).
3. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Place materials in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland.Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
4. Temporary fill shall be entirely removed and placed in their original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
5. Temporary fill, construction mats and corduroy roads are considered **temporary only if they are removed as soon as they are no longer needed** to construct the authorized work.
6. Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

16. Restoration of Special Aquatic Sites

1. Special aquatic sites that are temporarily disturbed (the disturbance of these areas must be authorized) shall be restored to their pre-construction condition, function and elevation. Restoration shall commence no later than the completion of construction. A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions will be required unless otherwise stated. For excavated areas, pre-construction condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Plan for natural settling that will occur. Do not compact soils and test soils for compaction. A soil probe, auger, or shovel should be able to retrieve samples of post-restoration profile. Refusal of equipment shall be considered a failure of restoration and the soil should be restored through subsoiling, ripping, or other appropriate methods.
2. To ensure restoration to the original condition, wetland areas temporarily disturbed by excavation shall be seeded or planted, and wetland areas not disturbed by excavation (e.g., equipment, construction mat placement, temporary fill, etc.) shall be seeded or planted as necessary. Seed mixes and vegetation shall include only plant species native to New England and shall not include any species listed in Appendix D **-** “Invasive and Other Unacceptable Plant Species” in the “New England District Compensatory Mitigation Guidance” (see GC 25). This list may be updated periodically.
3. In areas of authorized temporary disturbance, cut woody vegetation (trees, shrubs, etc.) shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
4. Trenches shall be constructed or backfilled so that the trench does not drain waters of the U.S. (e.g., materials or methods that create a French drain effect).

**17. Soil Erosion, Sediment and Turbidity Controls**

a. Appropriate soil erosion, sediment and turbidity controls[[28]](#footnote-28) must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date. Erosion, sediment and turbidity controls shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment.

b. Temporary soil erosion, sediment and turbidity controls shall be removed promptly upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable[[29]](#footnote-29), appropriate, and flows, animal passage, etc. are not disrupted. Biodegradable controls left in place, such as rolled erosion control products (RECPs) (e.g., mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles, etc.), must be composed of 100% natural biodegradable material. Photodegradable, UV degradable or Oxo**-**(bio)degradable plastics are not considered biodegradable for the purposes of this requirement. When RECPs reinforced with netting must be used, the mesh or aperture size should be as large as possible to avoid wildlife entrapment and should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Avoid the use of silt fences reinforced with metal or plastic mesh or the mesh or aperture size should be as large as possible. See the Wildlife-Friendly Plastic-Free Netting BMP document located at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Permit Resources.

c. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow conditions, or when the tide is waterward of the work.

d. Work occurring within 25 feet of tidal SAS or shellfish beds must utilize appropriate controls and techniques to minimize direct and indirect impacts.

e. Trenches must be backfilled as soon as practicable after pipeline installation to reduce turbidity impact duration.

f. There shall be no unconfined fill, excavation, turbidity causing, or sediment resuspending work (e.g., grading, excavation, beach nourishment, etc.) in flowing or tidal waters. This may be accomplished by working in dry conditions, which may occur during periods of no flow (proponents must plan for unexpected high flows), when the tide is waterward of the work, or by confining and dewatering the work site using appropriate management techniques[[30]](#footnote-30).

Management techniques: i. These must be installed and removed during the TOY work window in GC 18, but removal of non-embedded management techniques (e.g., jersey barriers) may occur during the TOY restriction provided any released sediment does not elevate background turbidity conditions by more than five nephelometric turbidity units (NTU) over pre-removal conditions for more than 30 minutes as determined by in-water monitoring; and ii) Confined work may be conducted during the TOY restriction, but water diversions[[31]](#footnote-31) must be conducted during the TOY work window and confined work may not encroach >50% of the waterway width at OHW or MLW during the TOY restriction. The material within sandbags shall not be released (e.g., sandbag slicing) during their removal. The Corps may waive any part of 17(f) with a written determination concluding that the work will result in no more than minimal adverse effects.

g. Bank stabilization activities authorized in Activities 1 and 7 are not subject to the requirements in (f) above. General conditions 17(a) -17(c) and 18 are particularly relevant.

**18. Time of Year Work Windows and Restrictions**

a. Work must be conducted during the time of year (TOY) work windows (i.e., shall not occur during the TOY restriction) in (b) through (e) below unless stated elsewhere in this GP [e.g., GC 17(f)], in a written state determination as specified in (c) - (e) below, or the Corps waives these requirements by making a written determination concluding that the work will result in no more than minimal adverse effects. There is no TOY restriction for the work or GPs specified in the following two bullets unless required by the pile-driving requirements of GC 12 or a written determination, or the work causes turbidity or sediment resuspension in streams or tidal waters:

* Non-stream and non-tidal work; or
* Activities 2, 3 (except as specified), 4, 18 (except as specified), 19 and 21;

b. In non-tidal streams, the TOY work windows/restrictions are as follows. The TOY work windows typically coincide with the low flow period:

TOY Restriction TOY Work Window

CT Oct 01 to May 31 Jun 1 to Sep 30

ME Oct. 02 to Jul. 14 Jul. 15 to Oct. 01

MA See (d) below. See (d) below.

NH Oct. 02 to Jul. 14 Jul. 15 to Oct. 01

RI See (e) below. See (e) below.

VT Oct. 01 to Jun. 30 Jul. 01 to Sep. 30

In tidal waters, including streams, the TOY windows/restrictions are as follows:

 TOY Restriction TOY Work Window

CT Feb. 01 to Sep. 30 Oct. 01 to Jan. 31

ME Mar. 16 to Nov. 14 Nov. 15 to Mar. 15

MA See (d) below. See (d) below.

NH Mar. 16 to Nov. 14 Nov. 15 to Mar. 15

RI See (e) below. See (e) below.

c. Project proponents may consult with the following offices in order for them to modify in writing the TOY window/restrictions in (b) above:

i. In CT, the DEEP Inland Fisheries Division, with the concurrence of the DEEP Inland Water Resources Division or DEEP OLISP;

ii. In ME, the Department of Marine Resources or Department of Inland Fisheries and Wildlife;

iii. In NH, the NH DES Wetlands Bureau after consulting with the NH Fish and Game Department;

iv. In VT, the River Management Program under the VT Stream Alteration General Permit or Title 19 Permit.

d. In MA, work shall not be conducted during the TOY restrictions for any tidal water, including streams, or any non-tidal stream, with a species that has a “*spawning run/habitat present*” listed in Appendix B of the MA Division of Marine Fisheries (DMF) Technical Report TR-47 at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Massachusetts. The following apply for waterbodies not yet listed in Appendix B of the MA DMF document unless the MA DMF (tidal waters) or MA Division of Fisheries and Wildlife (non-tidal waters) specify a different TOY window/restriction in writing after consulting with their offices:

 TOY Restriction TOY Work Window

MA (non-tidal streams) Sep. 01 to Jun. 30 Jul. 01 to Aug. 31

MA (tidal waters) Feb. 14 to Nov. 15 Nov. 16 to Feb. 15

e.In RI’s non-tidal streams, the TOY windows/restrictions are as follows unless the RI DEM specifies a different TOY window/restriction in writing after consulting with their offices. The non-anadromous TOY windows/restrictions coincide with the low flow period.

 TOY Restriction TOY Work Window

RI (anadromous)[[32]](#footnote-32) Sep. 16 to Jun. 30 Jul. 01 to Sep. 15

RI (non-anadromous) Nov. 01 to Jun. 30 Jul. 01 to Oct. 31

In RI’s tidal waters, including streams, the TOY windows/restrictions are as follows unless the RI CRMC specifies a different TOY window/restriction in writing after consulting with their offices. The non-anadromous TOY windows/restrictions coincide with the low flow period and the RI dredge window.

 TOY Restriction TOY Work Window

RI (anadromous)32 Feb. 01 to Nov. 14 Nov. 15 to Jan. 31

RI (non-anadromous) Feb. 01 to Oct. 14 Oct. 15 to Jan. 31

f. The Corps may modify TOY restrictions for a particular region(s) for a specified time period during emergency situations.

**19. Aquatic Life Movements & Management of Water Flows**

a. No activity may impede or substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water. Unless otherwise stated, activities impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

i. Suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and

ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. Permanent and temporary crossings of wetlands shall be suitably culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity between the wetlands on either side of the road.

b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when it is necessary to perform the authorized work.

c. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**20. Water Quality and Coastal Zone Management**

a. Applicants must satisfy any conditions imposed by states and EPA, where applicable, in their CWA § 401 Water Quality Certifications (WQC) for these NE GPs, or in any Individual § 401 WQC. See Section IX, Part A, for state-specific information and to determine if any action is required to obtain a 401 WQC. The Corps may require additional water quality management measures to ensure that the authorized activity does not cause or contribute to a violation of water quality standards. In Vermont, in addition to the requirements in Section IX, Part A, the PNC must identify potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area. The VT ANR lists and shows impaired waters and stormwater impaired waters at: www.vtwaterquality.org/planning.htm.

b. Applicants must satisfy any additional conditions imposed by states in their Coastal Zone Management (CZM) Act consistency concurrences for this GP, or in any Individual CZM consistency concurrences. See Section IX, Part A, for state-specific information and to determine if any action is required to obtain an Individual CZM consistency concurrence. The Corps may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**21. Floodplains and Floodways**

a. Appropriate measures must be taken to minimize flooding to the maximum extent practicable.

b. Activities within 100-Year Floodplains must comply with applicable Federal Emergency Management Agency (FEMA)-approved state and/or local floodplain management permitting requirements. Proponents may need to coordinate with FEMA and apply for a formal change to the flood insurance study products or forward a set of project plans and relevant technical documentation in a digital format to the Risk Analysis Branch Chief, Mitigation Division, FEMA, Region 1, 99 High Street, Boston, Massachusetts 02110. Applicants should provide a copy of any documentation to the Corps along with the PCN.

**22. Storage of Seasonal Structures.** Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location landward of mean high water (MHW) or OHW and not in wetlands, tidal wetlands, their substrate or mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is waterward of MHW or OHW. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps approval.

**23. Spawning, Breeding, and Migratory Areas**

a. Activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities in fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

b. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any “take” permits required under the USFWS’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the Corps or appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity.

**24. Vernal Pools**

a. Direct, indirect, secondary and cumulative adverse effects to all vernal pools (VPs), including their envelopes and critical terrestrial habitats,[[33]](#footnote-33) shall be avoided and minimized[[34]](#footnote-34) to the maximum extent practicable. See VP BMPs at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Permit Resources. Site clearing, grading and construction activities associated with a regulated activity[[35]](#footnote-35) in the VP depression, envelope or critical terrestrial habitat may cause secondary, indirect or cumulative effects to the VP.

b. All waters of the U.S. on the project site should be investigated[[36]](#footnote-36) to determine whether or not they are VPs. For the PCN’s project plans, show all VPs that are located: i) less than 500 feet offsite and known (based upon searches of publically available databases, GIS mapping, regulatory agency or historical records, local knowledge, etc.), and ii) onsite based upon the information in (i) above and field surveys.

c. APCN is required when:

i. A discharge of dredge or fill material occurs within a VP depression; or

ii.There is a VP depression, either offsite (if known) or onsite, within 500 feet of any regulated activity.35

1. GC 24(c)(i) and (c)(ii) do not apply to temporary construction mats in previously disturbed areas of existing 1) utility project right-of-ways (e.g., electric transmission lines and gas pipelines) or 2) linear transportation projects (e.g., roads, highways, railways, trails, airport runways and taxiways), provided there is a Vegetation Management Plan or equivalent BMPs that avoid, minimize and mitigate impacts to aquatic resources.
2. GC 24(a) and (c) do not apply to projects that are within a municipality and meet the provisions of a Corps-approved VP Special Area Management Plan (VP SAMP) and are otherwise eligible for self-verification.

f. The states of CT, ?MA?, ME, NH, and VT have specific protections for special wetlands. See the state-specific supplements (Section IX, Part A) for more information.

**25. Invasive and Other Unacceptable Species[[37]](#footnote-37)**

1. The introduction or spread of invasive or other unacceptable plant or animal species on the project site or areas adjacent to the project site caused by the site work shall be avoided to the maximum extent practicable. For example, construction mats and equipment shall be thoroughly cleaned and free of vegetation and soil before and after use. The introduction or spread of invasive plant or animal species on the project site caused by the site work shall be controlled.
2. No cultivars, invasive or other unacceptable plant species may be used for any mitigation, bioengineering, vegetative bank stabilization or any other work authorized by this GP. However, non-native species and cultivars may be used when it is appropriate and specified in a written verification, such as using *Secale cereale* (Annual Rye) to quickly stabilize a site. All PCNs should explain the reason for using non-native species or cultivars.

**26. St. John/St. Croix Rivers (ME only).** Work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission is not eligible for self-verification and a PCN is required if any temporary or permanent use, obstruction or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the line; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

**27. Cape Cod Canal Review Area (MA only).** Any work in the area of the Cape Cod Canal located west of the vertical lift railroad bridge as detailed in Section IX, Part F is not eligible for self-verification and requires PCN.

**28. Programmatic Agreements.** The Corps requirements to comply with Section 106 of the NHPA, Section 7 of the Endangered Species Act or Essential Fish Habitat conservation under the Magnuson-Stevens Act may be satisfied by a Programmatic Agreement with the Corps, New England District or another Federal action agency. Activities may then be eligible for self-verification. Any New England District Programmatic Agreements will be available on our website.

**29. Permit On Site.** The permittee shall ensure that a copy of this GP and any accompanying authorization letter with attached plans are at the site of the work authorized by this GP whenever work is being performed and that all construction personnel are aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means this GP or its general conditions and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

**30. Self-Verification Notification Form.** Permitees must submit the SVNF provided at Section VII to the Corps before starting work authorized by this GP in CT (non-tidal waters only), MA, ME, RI (non-tidal waters) and VT. The SVNF is not required for work in CT’s tidal waters, NH, RI’s tidal waters, nor for any of the devices and activities specified in Activities 21 and 24. See the state-specific application/notification procedures in Section IX, Part B for more information.

**31.** **Inspections.** The permittee shall allow the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP and any written verification. The Corps may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work. To facilitate these inspections, the permittee shall complete and return to the Corps the following forms:

* For Self-Verification: The Self-Verification Notification Form (see Section VII).
* For PCN: The a) Work-Start Notification Form and b) Compliance Certification Form, when either are provided with the authorization letter.

**32. Maintenance**

1. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions and activity-specific conditions to a written verification.
2. The requirement in (a) above does not include maintenance of dredging projects. Each maintenance dredging event exceeding the self-verification limits requires a new PCN unless an unexpired, written PCN or other Corps authorization specifies that the permittee may “dredge and maintain” an area for a particular time period. Self-verification or PCN maintenance dredging includes only those areas and depths previously authorized and actually dredged.
3. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). See Section III, GP 1.

**33. Property Rights.** This GP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.

**34. Transfer of GP Verifications**. When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps (see Part E for address) to validate the transfer. A copy of the GP verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of these GPs and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

**35. Modification, Suspension, and Revocation.** These GPs or any work authorized under these GPs by self-verification or PCN may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the U.S.

**36. Special Conditions.** The Corps may independently, or at the request of the Federal resource agencies, impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all terms and conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or an ordered restoration.

**37. False or Incomplete Information.** If the Corps makes a determination regarding the eligibility of a project under these GPs and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the Corps may determine that the GP authorization is not valid; modify, suspend or revoke the authorization; and the U.S. Government may institute legal proceedings.

**38. Abandonment.** If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she may be required to obtain written verification from the Corps and may be required to restore the area to the satisfaction of the Corps.

**39. Enforcement cases.** These GPs do not apply to any existing or proposed activity in Corps jurisdiction associated with an ongoing Corps or EPA enforcement action, until such time as the enforcement action is resolved or the Corps or EPA, as appropriate, determines that the activity may proceed independently without compromising the enforcement action.

**40. Previously Authorized Activities**

a. Any work that was authorized in accordance with the state GPs for CT, ME, MA, NH, RI and VT that were in effect at the time these NE GPs were issued, remain in effect in accordance with the original provisions of those state GPs, including its terms, general conditions, and any special conditions in the written verification letter. Any work not commenced nor completed that was authorized in the written verification letter under the state GPs for CT, ME, MA, NH, RI and VT that were in effect at the time these NE GPs were issued remains authorized subject to any special conditions in the written verification letter along with the terms and general conditions of these NE GPs.

b. Projects authorized and completed under the previous GPs, Programmatic GPs (PGPs), nationwide permits, or regional general permits, are not affected by this GP.

c. Activities authorized pursuant to 33 CFR 330.3 ("Activities occurring before certain dates") are not affected by this GP.

**41. Duration of Authorization**

a. These GPs expire on [INSERT DATE ON PAGE 1]. Activities authorized under these GPs that have either commenced (i.e., are under construction) or are under contract to commence before this GP expires will have until [INSERT DATE ON PAGE 1] + 1 year to complete the activity under the terms and conditions of the current GP. The permittee must be able to document to the Corps satisfaction that the project was under construction or under contract by the appropriate date. If work is not completed within the one year extended timeframe, the permittee must contact the Corps if he/she wants the work to continue to be authorized after that date.

b. Activities completed under these GPs will continue to be authorized.

**DISTRICT ENGINEER DATE**

**V: Content of Pre-Construction Notification**



Applicants may email applications to cenae-r@usace.army.mil. In addition to the following required information, the applicant must provide additional information as the Corps deems essential to make a public interest determination including, where applicable, a determination of compliance with the Section 404(b)(1) guidelines or ocean dumping criteria. Such additional information may include environmental data and information on alternate methods and sites as may be necessary for the preparation of the required environmental documentation. For a more comprehensive checklist, go to [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Forms >> Application and Plan Guideline Checklist. Please check with the Corps for project-specific requirements.

**Information required for all projects:**

* Corps application form ([ENG Form 4345](http://www.nae.usace.army.mil/reg/Application.pdf)) or appropriate state application form (see Section IX, Part B). Forms may need to be supplemented to include the information noted below.
* A copy of the SHPO/THPO Notification Form (see Section IX) that was submitted to the SHPO and the appropriate THPOs [see GC 6(c)].
	+ Drawings, sketches, or plans (detailed engineering plans and specifications are not required) that are legible, reproducible (color is acceptable, but features must be distinguishable in black and white), no larger than 11”x17”, with bar scale. Provide locus map and plan views of the entire property. Include:
	+ All direct, secondary, permanent and temporary impacts.
	+ Cross-section views of all wetland and waterway fill areas and wetland replication areas.
	+ Delineation of all wetlands, other special aquatic sites (vegetated shallows, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), and other waters, such as

lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2.

* + MLW and MHW elevations in tidal waters. Show the HTL elevations [and the coastal jurisdiction line (CJL) in CT] when fill is involved. Show OHW elevation in lakes and non-tidal streams.
	+ Existing and proposed conditions.
	+ For vegetated shallow and eelgrass survey guidance, see [www.nae.usace.army.mil/missions/ regulatory](http://www.nae.usace.army.mil/missions/%20regulatory).aspx >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance for the New England Region.
	+ Show all known VPs on the project site. See GC 24 for vernal pool identification requirements.
	+ Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below OHW in inland waters and below the HTL in coastal waters.
* The name(s) of Federal or state “listed species or habitat” present in the action area (see GC 8).
* A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 16).

**Information that may be required:**

* + Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
	+ For drawings, sketches, or plans:
	+ The vertical datum for all coastal projects must be in U.S. survey feet and referenced to NAVD 88 and new tidal epochs. Don’t use local datum. See [www.nae.usace.army.mil/Missions/Regulatory.aspx](http://www.nae.usace.army.mil/Missions/Regulatory.aspx) >> Forms and Publications;
	+ The horizontal state plane coordinates shall be in U.S. survey feet and based on the appropriate state plane coordinate system.
	+ For the construction of a filled area or pile or float-supported platform, the use of, and specific structures to be erected on, the fill or platform.
	+ For the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposing of it in ocean waters, the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of the disposal site.
	+ For the discharge of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized. Include either a statement describing how impacts to waters of the U.S. are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
	+ Purpose and need for the proposed activity;
	+ Information on permanent, temporary, direct, secondary, and cumulative effects associated with the project.
	+ Limits of any Federal Navigation Project in the vicinity of the project area. Provide coordinates as specified in the Application and Plan Guideline Checklist;
	+ Limits of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide coordinates for all corners as specified in the Application and Plan Guideline Checklist.
* Schedule of construction/activity;
* Names and addresses of adjoining property owners;
* Location and dimensions of adjacent structures;
* List of authorizations required by other Federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.

 Identification and description of potential impacts to Essential Fish Habitat (defined at VI. Definitions and Acronyms.

* + Invasive Species Control Plan (see GC 25). For sample control plans, see [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Invasive Species.
	+ Wildlife Action Plan (WAP) maps are available in all 6 states, but only ME, MA and NH have a mapping component to them.

**Information for dredging projects that may be required**:

* Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols. Sampling and testing of sediments without such contact should not occur and if done, would be at the applicant’s risk.
* The area in square feet and volume of material to be dredged below mean high water.
* Existing and proposed water depths.
* Type of dredging equipment to be used.
* Nature of material (e.g., silty sand).
* Any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects.
* Information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area.
* Shellfish survey.
* Location of the disposal site (include locus sheet).
* Identification and description of any potential impacts to Essential Fish Habitat.
* Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

**Information for aquaculture projects that may be required**:

* In addition to the information required above, applications must also include:
* A map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area;
* Name(s) of the cultivated species;
* Whether canopy predator nets are being used.

**VI. DEFINITIONS AND ACRONYMS**

**Definitions**

**Attendant Features:** Occurring with or as a result of; accompanying.

**Biodegradable:** A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradableplastics break down into plastic fragments that remain in the environment after degradation.

**Boating facilities:** These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, town facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or town mooring fields that charge an equitable user fee based on the actual costs incurred.

**Brushing the Flats:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats, or any bottom disturbance (e.g., discing, plowing, raking, etc.), to enhance recruitment of shellfish.

**Construction mats:** Constructions, swamp and timber mats (herein referred to as “construction mats”) are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they are installed temporarily or permanently

**Cumulative effects:** See “Direct, indirect, secondary, and cumulative effects.”

**Direct, indirect, secondary, and cumulative effects:**

Direct Effects: The loss of aquatic ecosystem within the footprint of the discharge of dredged or fill material. Direct effects are caused by the action and occur at the same time and place.

Indirect Effects: These are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Secondary Effects: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final Section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) aquatic areas drained, flooded, fragmented, or mechanically cleared, b) fluctuating water levels in all impoundment and downstream associated with the operation of a dam, c) septic tank leaching and surface runoff from residential or commercial developments on fill, and d) leachate and runoff from a sanitary landfill located in waters of the U.S. See 40 CFR 230.11(h).

Cumulative Effects: The changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual 1) discharges of dredged or fill material, or 2) structures. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230(g).

**Dredging:**

Maintenance Dredging:Includes areas and depths previously authorized by the Corps and dredged.

The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Routine maintenance dredging is conducted regularly for navigational purposes (typically at least once every ten years) and does not include any expansion of the previously dredged area or depth. The main characteristics of maintenance dredging projects are:

* variable quantities of material;
* soft, uncompacted soil;
* contaminant content possible;
* thin layers of material;
* occurring in navigation channels and harbors;
* repetitive activity

New Dredging: Dredging of an area or to a depth that has never been authorized by the Corps or dredged.

**Dredged material & discharge of dredged material:** These are defined at 323.2(c) and (d). The term dredged material means material that is excavated or dredged from waters of the U.S.

**Essential Fish Habitat (EFH):** This is broadly defined to include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. The following streams in the Connecticut River watershed in Vermont are stocked with Atlantic salmon. See GC 12 for more information.

• Black River (from its mouth in Springfield to its headwaters)

• Connecticut River

• Deerfield River

• Ompompanoosuc River

• Ottauquechee River

• Nulhegan River

• Passumpsic River

• Paul Stream

• Saxtons River

• Stevens River

• Wells River

• West River

• White River

• Williams River

**Fill material & discharge of fill material:** These are defined at323.2(e) and (f). The term fill material is defined as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water of the U.S.

**Federal anchorages, Federal channels and Federal turning basin:** See Federal navigation projects below.

**Federal navigation projects (FNPs):** These areas are maintained by the Corps; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and are comprised of Federal Anchorages, Federal Channels and Federal Turning Basins. The buffer zone is equal to three times the authorized depth of a FNP. More information on the following FNPs is provided at [www.nae.usace.army.mil](http://www.nae.usace.army.mil)/missions/navigation.aspx >> Navigation Projects.

**Connecticut**

Black Rock Harbor

Branford Harbor

Bridgeport Harbor

Clinton Harbor

Connecticut River

Duck Island Harbor

Fivemile River Harbor

Greenwich Harbor

Guilford Harbor

Hay (West) Harbor, Fishers Island

Housatonic River

Little Narragansett Bay and Watch Hill Cove

Mianus River

Milford Harbor

Mystic River

New Haven Breakwater

New Haven Harbor

New London Harbor

Niantic Bay and Harbor

Norwalk Harbor

Patchogue River

Pawcatuck River

Southport Harbor

Stamford Harbor

Stonington Harbor

Stony Creek

Thames River

Westcott Cove

Westport Harbor and Saugatuck River

Wilson Point Harbor

**Maine**

Bagaduce River

Bar Harbor

Bass Harbor

Bass Harbor Bar

Beals Harbor

Belfast Harbor

Bucks Harbor

Bucksport Harbor

Bunker Harbor

Camden Harbor

Cape Porpoise Harbor

Carvers Harbor

Cathance River

Cobscook Bay

Corea Harbor

Criehaven Harbor

Damariscotta River

Deer Island Thoroghfare

Frenchboro Harbor

Georges River

Harraseeket River

Hendricks Harbor

Isle Au Haut Thoroughfare

Isles of Shoals Harbor

Jonesport Harbor

Josias River

Kennebec River

Kennebunk River

Lubec Channel

Machias River

Matinicus Harbor

Medomak River

Moosabec Bar

Narraguagus River

New Harbor

Owls Head Harbor

Penobscot River

Pepperell Cove

Pig Island Gut

Pleasant River

Portland Harbor

Portsmouth Harbor and Piscataqua River

Richmond Harbor

Richmond Island Harbor

Rockland Harbor

Rockport Harbor

Royal River

Saco River

Sasanoa River

Scarboro River

Searsport Harbor

South Bristol Harbor

Southwest Harbor

St. Croix River

Stockton Harbor

Stonington Harbor

Sullivan Falls Harbor

Union River

Wells Harbor

Winter Harbor

Wood Island Harbor and The Pool at Biddeford

York Harbor

**Massachusetts**

Andrews River, Harwich, MA

Aunt Lydia’s Cove

Beverly Harbor

Boston Harbor

Buttermilk Bay Channel

Canapitsit Channel

Cape Cod Canal

Chatham Harbor

Cohasset Harbor

Cross Rip Shoals, Nantucket Sound

Cuttyhunk Harbor

Dorchester Bay and Neponset River

Duxbury Harbor

Edgartown Harbor

Essex River

Fall River Harbor

Falmouth Harbor

Gloucester Harbor and Annisquam River

Green Harbor

Hingham Harbor

Hyannis Harbor

Ipswich River

Island End River (Chelsea, MA)

Kingston Harbor

Lagoon Pond

Little Harbor Woods Hole

Lynn Harbor

Malden River

Menemsha Creek

Merrimack River

Mystic River

Nantucket Harbor of Refuge

New Bedford and Fairhaven Harbor

Newburyport Harbor

Oak Bluffs Harbor

Pigeon Cove Harbor

Plymouth Harbor

Pollock Rip Shoals, Nantucket Sound

Provincetown Harbor

Red Brook Harbor

Rockport Harbor

Salem Harbor

Sandy Bay Harbor of Refuge

Saugus River

Scituate Harbor

Sesuit Harbor

Taunton River

Vineyard Haven Harbor

Wareham Harbor

Wellfleet Harbor

Westport River and Harbor

Weymouth Back River

Weymouth Fore and Town Rivers

Winthrop Harbor

Woods Hole Channel

**New Hampshire**

Bellamy River (Dover, NH)

Cocheco River (Dover, NH)

Exeter River (Exeter, NH to Great Bay)

Hampton Harbor

Isles of Shoals Harbor

Lake Winnipesauke (Meredith Bay to Paugus Bay)

Lamprey River (Newmarket to Great Bay)

Little Harbor

Portsmouth Harbor and Piscataqua River

Rye Harbor

**Rhode Island**

Apponaug Cove

Block Island (Great Salt Pond)

Block Island Harbor of Refuge

Bullocks Point Cove

Coasters Island Harbor

Greenwich Bay

Little Narragansett Bay and Watch Hill Cove

Newport Harbor

Oakland Beach

Pawcatuck River

Pawtuxet Cove

Point Judith Pond and Harbor of Refuge

Potowomut River

Providence River and Harbor

Sakonnet Harbor

Sakonnet River

Seekonk River

Warren River

Warwick Cove

Wickford Harbor

**Vermont:**

Lake Champlain - Burlington Harbor, Burlington, VT

Lake Champlain - Gordons Landing, Grand Isle, VT

Lake Champlain - Channel between North and South Hero Islands

Lake Champlain - Narrows of Lake ChamplainLake Champlain - St. Albans Harbor, St. Albans, VT

Lake Champlain - Swanton Harbor, Swanton, VT

Otter Creek from the mouth at Lake Champlain to the falls in Vergennes

**Flume:**  An open artificial water channel, in the form of a gravity chute, that leads water from a diversion dam or weir completely aside a natural flow. A flume can be used to measure the rate of flow.

**Frac out:** During normal drilling operations, drilling fluid travels up the borehole into a pit. When the borehole becomes obstructed or the pressure becomes too great inside the borehole, the ground fractures

and fluid escapes to the surface.

**Independent utility:**  A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Indirect effects:** See “Direct, indirect, secondary, and cumulative effects.”

**Individual Permit:** A Department of the Army authorization that is issued following a case-by-case evaluation of a specific structure or work in accordance with the procedures of 33 CFR 322, or a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR 323, and in accordance with the procedures of 33 CFR 325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR 320.

**Loss of waters of the U.S.:** Waters of the U.S. that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the U.S. is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for a particular activity; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the U.S. temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the U.S. Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not considered when calculating the loss of waters of the U.S.

**Maintenance:** Regulations on maintenance are provided at 33 CFR 323.4. The following definitions are applicable:

**Minor deviations:** Deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environ-mental effects resulting from such repair, rehabilitation, or replacement are minimal.

**Currently serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Marina reconfiguration zone:** A Corps-authorized area in which permittees may rearrange pile-supported structures and floats without additional authorizations. A reconfiguration zone does not grant exclusive privileges to an area or an increase in structure or float area.

**Navigable waters of the U.S.:** See Waters of the U.S. below.

**Overall project:** See “single and complete linear project” below.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Permanent impacts:** Permanent impacts means waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Temporary impacts include waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity.

**Pre-construction notification (PCN):** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by these GPs. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of these GPs. A PCN may be voluntarily submitted in cases where PCN is not required and the project proponent wants confirmation that the activity is authorized under these GPs.

**Secondary effects:** See “Direct, indirect, secondary, and cumulative effects.”

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for the purposes of these GPs. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

The overall project, for purposes of these GPs, includes all regulated activities that are reasonably related and necessary to accomplish the project purpose.

**Single and complete non-linear project:** For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For non-linear projects, the single and complete project must have independent utility (see definition).

**Special aquatic sites:** These include inland and saltmarsh wetlands, mud flats, vegetated shallows, sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230 Subpart E.

**Stream channelization:** The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

**Temporary impacts:** See permanent impacts above.

**Utility line:** Any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term ‘utility line’ does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

**Vegetated shallows:** Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass and widgeon grass(*Rupiamaritima*) in marine systems (doesn’t include salt marsh) as well as a number of freshwater species in rivers and lakes. Note: These areas are also commonly referred to as submerged aquatic vegetation (SAV).

**Vernal pools (VPs):** For the purposes of these GPs, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). Pools usually support one or more of the following obligate indicator species: wood frog, spotted salamander, blue-spotted salamander, marbled salamander, Jefferson’s salamander and fairy shrimp. However, they should preclude sustainable populations of predatory fish.

VP areas are:

* Depression (includes the VP depression up to the spring or fall high water mark, and includes any vegetation growing within the depression),
* Envelope (area within 100 feet of the VP depression’s edge), and
* Critical terrestrial habitat (area within 100**-**750 feet of the VP depression’s edge).

Note: See footnote to GC 24. The Corps may determine during the PCN review that a waterbody should not be designated as a VP based on available evidence.

**Water diversions:** Water diversions are activities such as bypass pumping (e.g, “dam and pump”) or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary’s confines aren’t water diversions. “Normal flows” are defined as no change in flow from pre-project conditions.

**Weir:** A barrier across a river designed to alter the flow characteristics. In most cases, weirs take the form of a barrier, smaller than most conventional dams, across a river that causes water to pool behind the structure (not unlike a dam) and allows water to flow over the top. Weirs are commonly used to alter the flow regime of the river, prevent flooding, measure discharge and help render a river navigable.

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**Waters of the U.S.**

**Waters of the United States (U.S.):** The term waters of the U.S. and all other terms relating to the

geographic scope of jurisdiction are defined at 33 CFR 328. Also see Section 502(7) of the Federal CWA [33 USC 1352(7)]. Waters of the U.S. include jurisdictional wetlands. Not all waters and wetlands are jurisdictional. Contact the Corps with any questions regarding jurisdiction.

**Navigable waters:** Refer to 33 CFR 329. These waters include the following Federally designated navigable waters in New England. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list should not be taken as an indication that the waterbody is not navigable:

CT: Connecticut River to the Massachusetts state line

MA: Merrimack River, Connecticut River, and Charles River to the Watertown Dam

ME: Kennebec River to Moosehead Lake; Penobscot River to the confluence of the East and West Branch at Medway, Maine; Lake Umbagog within the State of Maine.

NH: Merrimack River from the MA-NH state line to Concord, NH; Lake Umbagog within NH; and the Connecticut River from the MA-NH state line to Pittsburg, NH.

VT: Connecticut River, Lake Champlain, Lake Memphremagog, Wallace Pond, Ompompanoosuc River (to mile 3.8), Waits River (to mile 0.9), the Black River (mouth to mile 25 in Craftsbury), the Batten Kill River (to mile 50 in Manchester), the Lamoille River (mouth to mile 79 in Greensboro), the Missisquoi River (including the North Branch, from the mouth to mile 88.5 in Lowell), Otter Creek (mouth to mile 63.8 in Procter), Winooski River (mouth to Marshfield), Moose River (from Passumpsic River to the Victory Town Line), Nulhegan River (mouth to its source including the East Branch, the Black Branch and the Yellow Branch), Paul Stream (mouth to the source), East Branch of the Passumpsic River (from the confluence with the Passumpsic River to East Haven), Passumpsic River (mouth to confluence with the East Branch), Wells River (mouth to Groton Pond), White River (mouth to its source).

**Acronyms**

BMPs Best Management Practices

BUAR Bureau of Underwater Archaeological Resources

CERCLA Comprehensive Environmental Response, Compensation, and Liability Act

CWA Clean Water Act

CRMC RI Coastal Resources Management Council

CZM Coastal Zone Management

CT DEEP Connecticut Department of Energy & Environmental Protection

CT OLISP Connecticut Office of Long Island Sound

CT IWRD Connecticut Inland Water Resources Division

EPA U.S. Environmental Protection Agency

ESA Endangered Species Act

EFH Essential Fish Habitat

FNP Federal Navigation Project

GC General condition

GP General permit

HTL High Tide Line

IP Individual Permit

LID Low impact development

ME DACF Maine Department of Agriculture, Conservation & Forestry

MassDEP Massachusetts Department of Environmental Protection

MA DMF Massachusetts Division of Marine Fisheries

MA NHESP Natural Heritage and Endangered Species Program

MHC Massachusetts Historical Commission

MHHW Mean Higher High Water

MHW Mean High Water

MLLW Mean Lower Low Water

MLW Mean Low Water

NMFS National Marine Fisheries Service

NRCS Natural Resources Conservation Service

NHCP New Hampshire Coastal Program

OHW Ordinary High Water

PCN Preconstruction Notification

RI DEM Rhode Island Department of Environmental Management

SAS Special aquatic sites

SF Square Feet

SV Self-verification

STURAA Surface Transportation and Uniform Relocation Assistance Act

SHPO State Historic Preservation Officer

THPO Tribal Historic Preservation Officer

TOY Time of year

USFWS U.S. Fish and Wildlife Service

USCG U.S. Coast Guard

USGS U.S. Geological Service

VP Vernal pool

VT ANR Vermont Agency of Natural Resources

VT DHP Vermont Division of Historic Preservation

WPA Wetlands Protection Act

WQC Water Quality Certification

**VII: Self-Verification Notification Form**

(for all tidal and non-tidal projects subject to Corps jurisdiction

in MA, ME, RI and VT; and for all non-tidal projects in CT)

At least two weeks before work commences, complete **all** fields (write “none” if applicable) below or use the fillable form at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit. Send this form and the existing plans to one of the following three applicable addresses, fax to (978) 318-8303, or email to cenae-r@usace.army.mil The two-week lead time is not required for emergency situations (see page 2 for definition). Please call (978) 318-8338 with questions.

 CT (non-tidal), MA, ME & RI ME VT

Regulatory Division Regulatory Division Regulatory Division
U.S. Army Corps of Engineers U.S. Army Corps of Engineers U.S. Army Corps of Engineers

New England District Maine Project Office Vermont Project Office

696 Virginia Road 675 Western Ave, #3 Camp Johnson, Bldg 10-18
Concord, MA 01742-2751 Manchester, ME 04351 Colchester, VT 05446

State Permit Number:

Date of State Permit:

State Project Manager:

State or local approval and accompanying plans are attached: Yes No

Permittee:

Address, City, State & Zip:

Phone(s) and Email:

Project Location (provide detailed description if necessary):

Address, City, State & Zip:

Latitude/Longitude Coordinates (if address doesn’t exist):

Waterway Name:

Contractor (write none if same as permittee):

Address, City, State & Zip:

Phone(s) and Email:

Consultant/Engineer/Designer:

Address, City, State & Zip:

Phone(s) and Email:

Wetland/Vernal Pool Consultant:

Address, City, State & Zip:

Phone(s) and Email:

 (continued on next page)

Project Purpose:

Work Description:

Work will be done under the following activity(s) in Section III, Eligible Activities (check all that apply):

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Was work authorized in a written verification letter under the state GPs for CT, MA, ME, RI and VT that were in effect at the time these NE GPs were issued but not commenced nor completed? If yes, this work remains authorized in accordance with GC 40 and you must check all of the appropriate activities

above (1-22) that apply. Yes No

Aggregate total wetland impact area\*: temporary SF permanent SF

Aggregate total waterway impact area\*: temporary SF permanent SF

(\*leave blank if work involves structures only)

Does your project include any secondary impacts? (See General Condition 3.) Yes No

If yes, describe here:

Proposed Work Dates: Start: Finish:

**Your name/signature below, as permittee, confirms that your project a) meets the self-verification criteria and b) that you accept and agree to comply with the applicable terms and conditions in the New England General Permit.**

Permittee Printed Name:

Permittee Signature: Date:

**VIII: SHPO/THPO Notification Form**

In accordance with General Condition 6, proponents must ensure and document that all potential historic properties within the permit area have been identified. For PCN activities, proponents must notify the SHPO and applicable THPO(s) and provide proof as specified in Section IX, Part B(2) and submit a copy of any other documentation with the PCN. This form may be used for self-verification or PCN activities. It is recommended that you complete **all** fields (write “none” or “see attached form” if applicable), attach any Corps or state waterway agency application form, and attach plans and a copy of the USGS quadrangle map section that clearly marks the project location.

SHPOs and THPOs will contact the Corps if there is any potential for an effect on a historic property and the Corps will begin consultation. Applicants must coordinate with the Corps before conducting any archaeological work (reconnaissance, surveys, recovery, etc.) as the Corps will use 33 CFR 325 Appendix C, including its “permit area” definition, to determine its scope of analysis for the consideration of historic properties.

Permittee:

Address, City, State & Zip:

Phone(s) and Email:

Project Name:

Project Location (provide detailed description if necessary):

Address, City, State & Zip:

Latitude/Longitude Coordinates (if address doesn’t exist):

Waterway Name:

Project Purpose:

Work Description:

To the best of your knowledge, are any historic or archaeological properties known to exist within the project’s area of potential impact? If so, specify.

Signature of person submitting this form: Date:

Name:

Address:

City/Town/Zip:

Telephone:

**IX. State Specific Supplement**

**5. State of Rhode Island**

 **Part:**

1. **State-Specific Information on General Conditions**
2. **State-Specific Application/Notification and Authorization Procedures**
3. **Contacts and Tribal Areas of Interest**
4. **Aquaculture Activities**
5. **Narragansett Land Claim Settlement Area and Areas of Influence**

**Part A: State-Specific Information on General Conditions**

The following provide additional information to the general conditions in Section IV of this document.

**1. General Condition 1, Other Permits**

The following state approvals may be required by the state:

* 1. RI Department of Environmental Management (RI DEM) approval under the Freshwater Wetland Act, Rhode Island General Laws (RIGL).
	2. RI DEM approval under RIGL Section 46-19 et seq. entitled “Inspection of Dams and Reservoirs” and regulations promulgated thereto.
	3. RI DEM approval under the “Water Quality Regulations for Water Pollution Control” pursuant to RIGL Chapter 42-17.1 and Section 46-12-1 et seq.
	4. RI DEM approval under the “Rules and Regulation for Dredging and the Management of Dredged Material” pursuant to RIGL Chapter 46-6.1.
	5. CRMC approval (“Assent”) pursuant to RIGL Chapter 23, Section 46-23-1 et seq, “Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast.”
	6. CRMC approval (“Assent”) pursuant to RIGL § 46-23 et seq. for activities in tidal waters or adjacent upland areas.

**2. General Condition 20, Water Quality and Coastal Zone Management**

a. The following state approvals from the State of Rhode Island have been granted or must be obtained when applicable prior to the commencement of work in Corps jurisdiction:

i. Water Quality Certification (WQC) under Section 401 of the Federal CWA (33 USC 1341). Section 401(a)(1) requires applicants to obtain a WQC or waiver from the state and authorized tribes, or EPA where applicable, for any activity that may discharge pollutants into waters of the U.S. during construction or operation of the activity. In Rhode Island, the Department of Environmental Management (DEM) has authority to issue or deny WQC. Activities must comply with all conditions set forth in the DEM’s WQC for these GPs.

For self-verified activities eligible for authorization under these GPs, the DEM has issued a conditional WQC subject to the following condition:

* The applicant must obtain the state approvals listed in (1)(a) - (1)(d) above.

For PCN activities eligible for authorization under these GPs, the DEM has issued a conditionally WQC subject to the following conditions:

* The applicant obtains the state approvals listed in (1)(a) - (1)(d) above, and
* The DEM finds through Federal/State screening meetings that the activity is reasonably likely to have minimal or no impact on water quality.

ii. Concurrence under Section 307 of the Federal Coastal Zone Management Act (CZM) Act of 1972, as amended. Section 307(c)(1) requires the Corps to provide a consistency determination and receive state agreement prior to the issuance, reissuance, or expansion of activities authorized by a GP that authorizes activities within a state with a Federally-approved Coastal Management Program when activities that would occur within, or outside, that state’s coastal zone will affect any land or water use or natural resource of the state’s coastal zone. In Rhode Island, the RI Coastal Resources Management Council (CRMC) administers the RI CZM program. The CRMC has agreed with the Corps consistency determination for activities authorized under these GPs provided the applicant obtains the applicable state approvals listed in (1) above, and therefore these activities do not require any additional CZM Federal consistency review. The state’s coastal zone is statutorily defined in RIGL Chapter 23, Section 46-23.

**Part B: State-Specific Application/Notification and Authorization Procedures**

**1. Self-Verification**

Work in RI that is subject to Corps jurisdiction (see Section II, Page 3) and not located on the

Narragansett Land Claim Settlement Area[[38]](#footnote-38) or sites that may influence this area (Areas of

Influence), are eligible for self-verification and may proceed without application to the Corps provided the work:

a. Is eligible for self-verification as specified in Sections III, IV and IX of these GPs;

b. Meets all applicable terms and conditions of these GPs; and

c. Meets any other self-verification eligibility requirement of these GPs.

Notes:

1. Activities subject to Corps jurisdiction but exempt from state regulation are eligible for self-verification.
2. For activities eligible for self-verification under these GPs, the RI DEM and CRMC require an application to their offices for their review.
3. Applicants are required to submit a SVNF (Section VII) with their application to the RI DEM that certifies that their project is eligible for self-verification of these NE GPs. Applicants are not required to submit a SVNF for work in tidal waters.

**2. PCN**

Work in RI that is subject to Corps jurisdiction (see Section II, page 3) requires written approval from the appropriate State permitting agency and the Corps provided the work meets the following:

1. Does not qualify for self-verification and is eligible as a PCN activity as specified throughout this document, particularly in Sections III, IV and IX, and
2. Meets all applicable terms and conditions of these GPs.

All applicants for work that is eligible for PCN must apply directly to the:

a. Appropriate RI permitting agency (RI DEM or CRMC), not to the Corps, for projects in RI. The Corps and Federal resource agencies will receive State Notices from CRMC and copies of complete applications from the RI DEM. The DEM’s written approval will include an approval statement from the Corps, if the Corps approves the project.

b. The Corps and notify the Narragansett Indian Land and Water Resource Commission (see Part C) for all activities subject to Corps jurisdiction that are located on Narragansett Land Claim Settlement Area and Areas of Influence (see Part E). These activities are not eligible for self-verification.

c. Corps for activities exempt from RI regulation (see below) using ENG Form 4345. The Corps, not the state, will issue the written verification for such projects once they are approved.

For a **-** c above, the applicant shall include one copy of the notification to or response from the RI Historic Preservation and Heritage Commission (this is the SHPO in RI) and THPO(s) (see Part C below for “Areas of Interest” and GC 6). Applicants may submit the SHPO/THPO Notification Form (see Section VIII) but must include the information specified in the form. The Corps recommends notifying the SHPO and THPO(s) before submitting the PCN in the event that extensive coordination or archaeological work is required. The SHPO and THPO(s) have up to 15 days to respond to the Corps, but the Corps may request expedited review on particular projects, e.g., emergency situations. Notification is not required when alternate procedures exist (see GC 28) or the Corps has designated another Federal agency as the lead in accordance with 36 CFR 800.2(a)(2).

Refer to the information in Section V to ensure the required information for a complete application has been provided to us. In most cases, if PCNs satisfy all requirements of the Rhode Island Rules & Regulations Governing the Administration and Enforcement of the RI Freshwater Wetlands Act, they would adequately satisfy the submittal requirements of Section V. However, the Corps reserves the right to request additional information to satisfy the Section V requirements.

Applicants for PCN activities may not proceed with work in Corps jurisdiction until written verification is received from the Corps or State.

For DEM Freshwater Wetlands jurisdiction projects, if the Corps and Federal resource agencies determine that the activity is eligible for authorization under these GPs, the Corps will send an authorization memorandum to the DEM, and the DEM may then notify the applicant in a joint Corps/DEM authorization letter. For CRMC jurisdiction projects, if the Corps and Federal resource agencies determine that the activity is eligible for authorization under these GPs, the Corps will send an authorization letter directly to the permittee. The CRMC will send their decision (Assent) directly to the permittee. See [www.dem.ri.gov/maps/wetjuris.htm](http://www.dem.ri.gov/maps/wetjuris.htm) for wetland jurisdiction maps illustrating the boundaries that separate areas of DEM and CRMC freshwater wetlands authority.

**Part C: Contacts and Tribal Areas of Interest**

**1. Federal**

U.S. Army Corps of Engineers U.S. Environmental Protection Agency

New England District, Regulatory Division 5 Post Office Square

696 Virginia Road Suite 100 (OEP05–2)

Concord, MA 01742-2751 Boston, MA 02109-3912

(978) 318-8338 or (800) 343-4789 (phone) (617) 918-1741 (phone)

(978) 318-8303 (fax)

U.S. Fish and Wildlife Service National Marine Fisheries Service

70 Commercial Street Northeast Regional Office

Suite 300 55 Great Republic Drive

Concord, NH 03301 Gloucester, MA 01930

(603) 223-2541 (phone) (978) 281-9102 (phone)

*(Federal endangered species)* *(Federal endangered species & EFH)*

National Park Service Commander (dpb)

North Atlantic Region First Coast Guard District

15 State Street One South Street - Battery Bldg

Boston, MA 02109 New York, NY 10004**-**1466

(617) 223-5191 (phone) (212) 668-7021 (phone); (212) 668-7967 (fax)

 (*bridge permits*)

**2. State**

RI Department of Environmental Management RI Coastal Resources Management Council

Water Resources/Freshwater Wetlands Oliver Stedman Government Center

235 Promenade Street 4808 Tower Hill Road

Providence, RI 02908 Wakefield, RI 02879-1900

(401) 222-6820 (phone) (401) 783-3370 (phone)

(401) 222-3564 (fax) (401) 783-3767 (fax)

Rhode Island Natural History Survey (RINHS)

P.O. Box 1858

Kingston, RI 02881

(401) 874-5800 (phone)

(*State endangered species*)

**3. Historic Resources**

a. State Historic Preservation Officer

Rhode Island Historical Preservation & Heritage Commission

150 Benefit Street

Providence, RI 02908

(401) 222-2678 (phone); (401) 222-2968 (fax)

Area of Concern: The entire State of Rhode Island

b. Tribal Historic Preservation Officers

Tribal Historic Preservation Officer

Narragansett Indian Longhouse

4425 South County Trail

Charlestown, RI 02183

(401) 491-9459 (phone); (401) 862-5106 (cell); (413) 325-7691 (cell); (401) 491-9458 (fax)

brwnjbb123@aol.com, dhnithpo@gmail.com

Area of concern: The entire State of Rhode Island

Tribal Historic Preservation Officer

Wampanoag Tribe of Gay Head (Aquinnah)20 Black Brook Road

Aquinnah, MA 02535**-**1546

(508) 645-9265 (phone); (508) 645-3790 (fax)

Area of concern: Barrington, Bristol, Central Falls, Cumberland, East Providence, Lincoln, Little Compton, Middletown, Newport, Pawtucket, Portsmouth, Tiverton, Warren, Woonsocket.

Tribal Historic Preservation Officer

Mashpee Wampanoag Tribe

483 Great Neck Road South

Mashpee, MA 02649

(508) 477-6186 (phone); (508) 477-6235 (fax); 106Review@mwtribe.com

Area of concern: Barrington, Bristol, Central Falls, Cumberland, East Providence, Lincoln, Little Compton, Middletown, Newport, Pawtucket, Portsmouth, Tiverton, Warren, Woonsocket.

1. Tribal Environmental Officer

Narragansett Indian Land and Water Resource Commission

215 Fenner Hill Road

Hope Valley, RI 02832

(401) 491-9459 (phone); (401) 862-5106 (cell); (401) 491-9458 (fax)

4. Organizational Websites

U.S. Army Corps of Engineers, N.E. District [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx)

U.S. Army Corps of Engineers, Headquarters See above link>>Useful Links>>Federal Agency Links.

Environmental Protection Agency [www.epa.gov/owow/wetlands/](file:///%5C%5Cnae-fs3im-46662%5CRegulatory%5CPATS%20Branch%5CPGPs%5CRI%20PGP%5C2012%20Reissuance%5Cwww.epa.gov%5Cowow%5Cwetlands%5C)

National Marine Fisheries Service [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov/)

U.S. Fish and Wildlife Service [www.fws.gov](http://www.fws.gov)

# National Park Service [www.nps.gov/rivers/index.html](http://www.nps.gov/rivers/index.html)

# RI Dept. of Environmental Management [www.dem.ri.gov](http://www.dem.ri.gov)

RI CRMC [www.crmc.ri.gov](http://www.crmc.ri.gov)

RI Division of Fish and Wildlife [www.dem.ri.gov/programs/bnatres/fishwild/index.htm](http://www.dem.ri.gov/programs/bnatres/fishwild/index.htm)

RI Historic Preservation & Heritage Comm. [www.rihphc.state.ri.us](http://www.rihphc.state.ri.us)

RI GIS [www.planning.ri.gov/gis/gishome.htm](http://www.planning.ri.gov/gis/gishome.htm)

Narragansett Tribe [www.narragansetttribe.com](http://www.narragansetttribe.com)

Wampanoag Tribe [www.wampanoagtribe.net](http://www.wampanoagtribe.net)

Rhode Island Natural History Survey [www.rinhs.org](http://www.rinhs.org)

**Part D: Aquaculture Activities**

Eligible for authorization under GP 23 in tidal and non-tidal waters of the U.S.are the following aquaculture activities in RI:

1. The installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the U.S.;
2. Discharges of dredged or fill material into waters of the U.S. necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities; and
3. Shellfish seeding or brushing the flats projects.

The following requirements apply to all aquaculture work authorized under GP 21:

1. The permittee shall notify the applicable USCG office regarding the project. Rafts and other floating structures must be securely anchored and clearly marked in accordance with appropriate USCG, harbormaster, state or local regulations to inform mariners of the location;
2. The permittee shall remove all gear and associated equipment within any leased or designated shellfish area in the event that the operator surrenders or loses the right to its use. In some situations, a performance bond may be required;
3. The right of the public to traverse or utilize the waters not physically occupied by authorized structures and/or moored vessels within the areal limits of the authorized gear perimeter shall not be impeded;
4. Aquaculture projects authorized herein shall not interfere with public shore access at or seaward of MHW or interfere with the access to any riparian or littoral property. All gear shall be designed and deployed in such a manner as to limit, to the greatest extent practicable, negative impacts on avian resources such as, but not limited to, shore birds, wading birds or members of the waterfowl group. This is meant to include nesting, feeding or resting activities by migratory birds identified at 50 CFR 10.13;
5. There shall be no discernible interference with natural sedimentation and erosion processes;
6. Depth of cultch or spatted-shell limited to the minimum necessary for full coverage of the farmed bed bottom and must not result in visible degradation of habitat for other aquatic resources;
7. The placement of cultch shall occur only in appropriate locations for working the bed bottom and colonization by oysters, based upon factors of salinity, water quality, water circulation patterns, and substrate composition and such placement shall not create or exacerbate adverse impact to any aquatic resource (finfish, shellfish, marine mammals, coastal birds), water quality, Essential Fish Habitat or SAS; and
8. New applications of cultch and spatted-shell for the purposes of enhancement or restoration of a native shellfish population and for bottom cultivation associated with commercial shellfish aquaculture on leased grounds cannot be placed within vegetated shallows and is limited to the minimum amount necessary for coverage of the target area.

GP 21 does not authorize the following aquaculture activities:

1. New impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster;
2. Expansions of existing, authorized impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster that exceed the area limits on page 4;
3. The cultivation of a nonindigenous species[[39]](#footnote-39) unless that species has been previously cultivated in the waterbody;
4. The cultivation of an aquatic nuisance species[[40]](#footnote-40);
5. Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the U.S. as waste; or

A PCN is required when:

1. New or expansion of existing aquaculture facilities;
2. Research, educational, commercial-viability or experimental aquaculture gear activities for indigenous species >1000 SF;
3. Activities take place within 25 feet of SAS, including vegetated shallows;
4. Activities include a species not previously cultivated in the waterbody;
5. Activities involve a change from bottom culture to floating or suspended culture; or
6. Depth of cultch or spatted-shell exceeds the minimum necessary for full coverage of the farmed bed bottom.
7. Shellfish dredging, including mechanical or hydraulic in SAS, nor the placement of shell material/cultch in vegetated shallows.

Notes:

The TOY restrictions in GC 18 do not apply to this activity unless specified in a written verification.

Definitions:

1. Aquaculture is the farming of aquatic organisms such as fish, crustaceans, molluscs and aquatic plants. It involves cultivating freshwater and saltwater populations under controlled conditions.
2. Aquaculture gear is any gear used to contain and/or cultivate shellfish including, but not limited to lines, racks, cages, bags, anchoring devices and buoys required to suspend or mark such structures.
3. Shellfish seeding is the placement of shellfish seed and/or suitable substrate to facilitate shellfish settlement and increase production. It may involve the placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats to enhance recruitment of soft-shell clams (*Mya arenaria*).
4. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments.
5. Shellfish dredging typically consists of a net on a frame towed behind a boat to capture shellfish and leave the sediment behind. Dredges may skim the surface, utilize hydraulic jets, toothed rakes or suction apparatus.

**Part E: Narragansett Land Claim Settlement Area and Areas of Influence**



1. Defined in Section VI, Definitions and at 33 CFR 328. [↑](#footnote-ref-1)
2. Permanent impacts means waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Temporary impacts include waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity. Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not considered when calculating the impact area. [↑](#footnote-ref-2)
3. Currently serviceable is defined as useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. [↑](#footnote-ref-3)
4. This authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the CWA Section 404(f) exemption for maintenance. See 33 CFR 323.4(a)(2). [↑](#footnote-ref-4)
5. See Corps Regulatory Guidance Letter No. 05-04 for more information. [↑](#footnote-ref-5)
6. Low impact mooring technology eliminates or minimizes contact with the bottom substrate at all tides. This consists of helical anchors instead of traditional anchors (e.g., concrete block) and floating/buoyant tackle (e.g., elastic) instead of chains that drag on the bottom and impact SAS and the substrate. The PCN review process could determine that a traditional anchor with floating/buoyant tackle may be used if substrate conditions make helical anchors impractical. [↑](#footnote-ref-6)
7. Boating facilities provide, rent or sell mooring or docking space, such as marinas, yacht clubs, boat yards, dockominiums, town facilities, land/home owners associations, etc. Not classified as boating facilities are piers shared between two abutting properties or town moorings or mooring fields that charge an equitable user fee based on the actual costs incurred. [↑](#footnote-ref-7)
8. Expansions are defined as work that increases the footprint of structures or floats or slip capacity. [↑](#footnote-ref-8)
9. The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support. [↑](#footnote-ref-9)
10. Materials such as angular stone, subangular stone or fiber roll revetments are effective at dissipating wave energy. Vertical walls/bulkheads should only be used in situations where reflected wave energy can be tolerated. This generally eliminates waterbodies where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and typically absorbs the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information, see the Corps Coastal Engineering Manual, located at <http://chl.erdc.usace.army.mil>. Select “Products/ Services” and then “Publications.” Part 5, Chapter 7-8, a(2)c is particularly relevant. [↑](#footnote-ref-10)
11. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, data, and telegraph messages, and radio and television communication. The term utility line does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area. [↑](#footnote-ref-11)
12. Via hard copy: Department of Defense Clearinghouse, Attn: Mr. Marshal Williams and Mr. David Blalock, 101 Marietta St, NW, Suite 3120, Atlanta, GA **GP** 30303; or via e-mail: frederick.m.williams28.civ@mail.mil and david.c.blalock2.civ@mail.mil. [↑](#footnote-ref-12)
13. [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Permit Resources. [↑](#footnote-ref-13)
14. Direct, indirect secondary and cumulative effects are defined at Section VI, Definitions and Acronyms. [↑](#footnote-ref-14)
15. Examples of LID best management practices include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or, adding a green roof or rain garden. For additional information on these best management practices, including applicability and maintenance and cost considerations, see http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm and click “post construction.” [↑](#footnote-ref-15)
16. Refer to the New England District Compensatory Mitigation Guidance at [www.nae.usace.army.mil/regulatory](http://www.nae.usace.army.mil/regulatory)/missions/regulatory.aspx >> Mitigation. [↑](#footnote-ref-16)
17. Temporal loss: The time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2). [↑](#footnote-ref-17)
18. This is defined in Section VI - Definitions and Acronyms. [↑](#footnote-ref-18)
19. The majority of historic properties are not listed on the national or state registers. [↑](#footnote-ref-19)
20. Section IX, Part C, 3. Historic Resources, provides contact information and each tribe’s “area of concern.” [↑](#footnote-ref-20)
21. The buffer zone is equal to three times the authorized depth of an FNP. [↑](#footnote-ref-21)
22. The “Endangered Species Consultation Handbook – Procedures for Conducting Consultation and Conference Activities Under Section 7 of the ESA,” defines action area as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. [50 CFR 402.02].” [↑](#footnote-ref-22)
23. Additional information can be found at: http://www.rivers.gov. [↑](#footnote-ref-23)
24. Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment. Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up. Clamshell Pull: This can remove intact, broken or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal. [↑](#footnote-ref-24)
25. See the management techniques in GC 17(f). For pile driving, management techniques used to achieve dry conditions may be removed during the TOY window or restriction. [↑](#footnote-ref-25)
26. For more information, go to www.nae.usace.army.mil/missions/regulatory.aspx >> New England General Permit >> Information on Sound Impacts from Pile Driving. [↑](#footnote-ref-26)
27. U.S. Department of Agriculture, Natural Resources Conservation Service, 2010. *Field Indicators of Hydric Soils in the United States,* Version 7.0. L.M. Vasilas, G. W. Hurt, and C.V. Noble (eds.) [↑](#footnote-ref-27)
28. Appropriate soil erosion and sediment controls are management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization, etc. [↑](#footnote-ref-28)
29. Defined in Section VI, Definitions and Acronyms. [↑](#footnote-ref-29)
30. Management techniques used to achieve dry conditions may involve cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (e.g., “dam and pump”), erosion control barriers for work that is adjacent to streams, etc. [↑](#footnote-ref-30)
31. Water diversions are activities such as bypass pumping (e.g, “dam and pump”) or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary’s confines aren’t water diversions. “Normal flows” are defined as no change in flow from pre-project conditions. [↑](#footnote-ref-31)
32. See the document “Waterbodies in RI With Anadromous Fish” at [www.nae.usace.army.mil/missions/ regulatory.aspx](http://www.nae.usace.army.mil/missions/%20regulatory.aspx) >> New England General Permit >> Rhode Island. [↑](#footnote-ref-32)
33. The VP depression, envelope, and critical terrestrial habitat are defined in Section VI, Definitions and Acronyms. [↑](#footnote-ref-33)
34. The following documents provide conservation recommendations:

a. Corps Vernal Pool BMP document located at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> New England General Permit >> Permit Resources.

b. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial development in the northeastern U.S., Calhoun and Klemens, 2002. Chapter III, Management Goals and Recommendations, Pages 15 – 26, is particularly relevant.

c. Science and Conservation of Vernal Pools in Northeastern North America, Calhoun and deMaynadier, 2008. Chapter 12, Conservation Recommendations section, Page 241, is particularly relevant. Chapter 12 is available at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Vernal Pools. [↑](#footnote-ref-34)
35. The discharge of dredged or fill material into waters of the U.S., or structure or work in navigable waters. See Section II, Page 3. [↑](#footnote-ref-35)
36. Investigations shall be conducted in accordance with the Corps document titled DOCUMENT PENDING, which includes information on conducting investigations during dry periods. [↑](#footnote-ref-36)
37. For the purposes of this GP, plant species that are considered invasive and unacceptable are provided in Appendix D “Invasive and other Unacceptable Plant Species” of our document “Compensatory Mitigation Guidance” at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Mitigation. Chapter 4(e) Planting is also particularly relevant. The June 2009 “Corps of Engineers Invasive Species Policy” provides policy, goals and objectives and is located at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Invasive Species. Additional information can be found at: [www.eddmaps.org/ipane](http://www.eddmaps.org/ipane/). [↑](#footnote-ref-37)
38. The Narragansett Land Claim Settlement Area is marked with hatch marks at Section IX, Part E. Areas of Influence to this area are located outside of this Land Claim Settlement Area, but in or adjacent to either the Wood or Pawcatuck River. These are areas of special concern and shall be included as follows:

• The Pawcatuck River from the Highway 112 crossing downstream to the confluence with the

Wood River;

• The Wood River, upstream of the confluence with the Pawcatuck River to the Highway 91 crossing;

• Tributaries to the Wood and Pawcatuck Rivers within the segments described at the two bullets above and within .25 miles of the main stems of the Wood and Pawcatuck Rivers; and

• The adjacent wetlands (bordering, contiguous and neighboring) to the Wood and Pawcatuck Rivers

 and their above specified tributaries. [↑](#footnote-ref-38)
39. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines nonindigenous species as “any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another.” [↑](#footnote-ref-39)
40. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines aquatic nuisance species as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.” [↑](#footnote-ref-40)