



State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
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PUBLIC NOTICE

File Number: 2022-01-022 Date: February 2, 2022

This office has under consideration the application of: The Army Corps of Engineers, New England District.

**US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742**

for a State of Rhode Island Federal Consistency for the:

Replacement and revision of the Army Corps of Engineers Rhode Island General Permit for a standard period of 5 years.

Copies of the proposed General Permit may be seen at the CRMC office in Wakefield or on the CRMC web page.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before March 2, 2022.

Applicant: General Public, State of Rhode Island

Effective Date: March ??, 2022
Expiration Date: March ??, 2027

DEPARTMENT OF THE ARMY
GENERAL PERMITS FOR THE STATE OF RHODE ISLAND AND
LANDS LOCATED WITHIN THE BOUNDARIES OF THE
NARRAGANSETT LAND CLAIM SETTLEMENT AREA

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues twenty-one (21) general permits (GPs), 11 Programmatic General Permits (PGPs) and 10 Regional General Permits (RGPs), for activities subject to Corps jurisdiction in waters of the United States (U.S.), including navigable waters, within the boundaries of the State of Rhode Island, adjacent ocean waters to the seaward limit of the outer continental shelf, and lands located within the boundaries of the Narragansett Land Claim Settlement Area. These GPs are issued in accordance with Corps regulations at 33 CFR 320 - 332 [see 33 CFR 325.2(e)(2)], and authorizes activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative adverse environmental impacts. These GPs will provide protection to the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects.

GENERAL CRITERIA

In order for activities to qualify for these GPs, they must meet the terms and eligibility criteria of the general permits in Appendix A as well as the general conditions in Appendix B.

Projects may qualify for Self-Verification (SV) or Pre-Construction Notification (PCN). If your project is ineligible for self-verification (SV), it may be screened under PCN or may require an individual permit. The thresholds for activities eligible for SV and PCN are defined in Appendix A. These GPs do not affect the Corps individual permit review process or activities exempt from Corps regulation.

Tammy R. Turley
Chief, Regulatory Division

Date

Rhode Island Programmatic General Permits

An activity is authorized under GPs 1-21 below only if that activity and the permittee satisfy all of the GPs terms and conditions.

1. Aids to navigation & temporary recreational structures
2. Repair or maintenance of existing currently serviceable, authorized or grandfathered structures and fills, removal of structures
3. Moorings
4. Pile-supported structures and floats, including boat lifts/hoists and other miscellaneous structures and work
5. Boat ramps and marine railways
6. Utility line activities
7. Dredging, transport & disposal of dredged material, beach nourishment, rock removal and rock relocation
8. Discharges of dredged or fill material incidental to the construction of bridges
9. Shoreline and bank stabilization projects
10. Aquatic habitat restoration, establishment and enhancement activities
11. Fish and wildlife harvesting activities
12. Oil spill and hazardous material cleanup
13. Cleanup of hazardous and toxic waste
14. Scientific measurement devices
15. Survey activities
16. Aquaculture projects and fisheries
17. New or expanded developments and recreational facilities
18. Linear transportation projects – wetland crossings only
19. Stream, river & brook crossings (not including wetland crossings)
20. Energy generation and renewable energy generation facilities and hydropower projects
21. Temporary fill not associated with any other GP activities

SECTION 1

REVIEW CATEGORIES AND APPLICATION PROCEDURES WITHIN NON-TIDAL WATERS

ACTIVITIES COVERED:

The discharge of dredged or fill material into waters of the United States, which is regulated by the Corps under Section 404 of the Clean Water Act (CWA), see 33 CFR 328.

REVIEW PROCESS:

1. RIDEM and CRMC Approvals:

In order for authorizations under these GPs to be valid and before commencing any work within Corps jurisdiction, Section 401(a)(1) of the Clean Water Act (33 USC Sec. 1341) requires that applicants obtain a Water Quality Certification (WQC) or waiver from the state water pollution control agency to discharge dredged or fill material into waters of the U.S. In Rhode Island, the RIDEM - Office of Water Resources - Water Quality Certification Program (RIDEM-OWR-WQC) is the state water pollution control agency. The RIDEM-OWR-WQC has conditionally granted WQC for all activities authorized under these RI GPs provided those activities meet the criteria as contained in these General Permits.

The work may also need approval from the Coastal Resources Management Council (CRMC) pursuant to its jurisdiction over freshwater wetlands in the vicinity of the coast, as well as any local approvals, as applicable (see General Condition 1). For non-tidal waters that are not under the jurisdiction of the CRMC (see Section 2), applicants must apply to the RIDEM, Office of Water Resources, Freshwater Wetlands Program (RIDEM-OWR-FWP). Any permit issued by RIDEM-OWR-FWP may act as the WQC in accordance with Rule 1.15.A.3.d. of the RI Water Quality Regulations, 250-RICR-150-05-1.

2. Self-Verification Review Category

- a. Notification: An application to the USACE is not required. However, submittal of a SVN and required accompanying materials to USACE in accordance with Section 2(c) below, at least two weeks prior to commencement of work authorized by these GPs, is required.
- b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria are eligible under SV of this GP if they:
 - Are subject to USACE jurisdiction (see Appendix B, GC 2);
 - Meet the SV criteria in Appendix A - General Permits;
 - Meet the requirements of the applicable GCs in Appendix B;
 - Meet all other applicable terms and conditions of these GPs; and
 - Result in no more than minimal impacts to the aquatic environment.

Project proponents seeking authorization under these GPs by qualifying for SV must comply with all GCs and other relevant federal laws such as the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Consequently, applicant information submittals to USACE and outside experts such as the Rhode Island Historical Preservation

and Heritage Commission (HPHC), The Narragansett Indian Tribe (NIT) (see Appendix D) and the National Park Service, is required for SV eligible activities when there is a likelihood of the presence of resources of concern and the proposed work has the potential to affect these resources. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements for both SV and PCN review.

c. How to Obtain Self-Verification Verification: Applicants must:

(1) Confirm that the activity meets all the applicable SV eligibility criteria, terms and conditions stated in 2(b) above;

(2) Notify the RI HPHC and the Tribal Historic Preservation Officers (THPOs) listed in Appendix D and GC 11 for submission requirements;

(3) Obtain an Official Species List of federally threatened and endangered species that may occur in the activity's action area (see GC 12); and

(4) Submit the SVNF and its required accompanying materials (see Appendix E) to USACE at least two-weeks prior to start of project construction. Digital submittals by email (preferred), CD/DVD or USB flash drive are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy as allowances will be made. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence> for information about our electronic submittal process.

Email: cenae-r-ct@usace.army.mil

Mail: Regulatory Division - Branch B, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

(5) RI CRMC or RI DEM will confirm if the activity is eligible for SV.

3. PCN Review Category

a. Notification: For activities that are not eligible for SV or when it is stated that a PCN is required, an application to, and written verification from, USACE is required. No work requiring a PCN may proceed until written verification from USACE has been received.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria may be eligible for authorization under these GPs:

- Are subject to USACE jurisdiction (see Appendix B, GC 2);
- Meet the criteria of PCN in Appendix A – General Permits;
- Meet the requirements of the applicable GCs in Appendix B;
- Meet all other applicable terms and conditions of these GPs;
- Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of Federal and State resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal; and

c. Applying for authorization through the PCN process: Applicants must submit a PCN to USACE. Digital submittals by email (preferred), CD/DVD or USB flash drive are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy as allowances will be made. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic->

[Correspondence](#) for information about our electronic submittal process. USACE staff will notify you if a paper copy or large-scale drawings are required for the evaluation.

Email: cenae-r-ct@usace.army.mil

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696 Virginia Road, Concord, MA 01742-2751

4. Emergency Procedures: Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an “emergency” is a situation which would 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 the application under standard procedures.” Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an Individual Permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to submittal of an application. Where an application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

5. Individual Permit Procedures: Work that is **NOT** eligible for authorization under the GPs as defined in Appendix A – General Permits and applicable GCs, or that does not meet the applicable terms and conditions of the GPs, will require review under USACE Individual Permit procedures (see 33 CFR 325.1). Applicants shall submit the appropriate application materials to USACE. General information and the application form can be obtained at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

SECTION 2

REVIEW CATEGORIES AND APPLICATION PROCEDURES FOR PROJECTS WITHIN TIDAL, COASTAL AND NAVIGABLE WATERS

Navigable Waters: Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

ACTIVITIES COVERED:

- Work and structures that are located in, under or over any navigable water of the U.S. (defined at 33 CFR 329) that affect the course, location, condition, or capacity of such waters; or the excavating from or depositing material in navigable waters. (Regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899);
- The discharge of dredged or fill material into waters of the U.S. (defined at 33 CFR 328), which is regulated by the Corps under Section 404 of the Clean Water Act (CWA); and
- 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.

REVIEW PROCESS:

1. RI CRMC approvals:

In order for authorizations under these GPs to be valid and before commencing any work within Corps jurisdiction, applicants are responsible for applying for and obtaining any of the following required State or local approvals (see General Condition 1):

- a. **Water Quality Certification (WQC):** Issuance or waiver under Section 401 of the Federal CWA (33 USC Section 1341). Section 401(a)(1) of the Clean Water Act requires that applicants obtain a WQC or waiver from the state water pollution control agency (RIDEM-OWR-WQC) to discharge dredged or fill material into waters of the U.S. The RIDEM-OWR-WQC has conditionally granted WQC for all activities authorized under these RI GPs provided those activities meet the criteria as contained in these General Permits.
- b. **Coastal Zone Management (CZM):** Section 307 of the Coastal Zone Management Act of 1972, as amended, requires applicants to obtain a permit, federal consistency certification or waiver from CRMC that the activity complies with the state's CZM program for activities affecting the state's coastal area. The CRMC has conditionally granted CZM Consistency for all activities authorized under these RI GPs provided those activities meet the criteria as contained in these General Permits.

2. Self-Verification Review Category

a. Notification: An application to the USACE is not required. The following GPs are Non-Reporting to the Corps if they meet the requirements of self-verification and RI CRMC performs a review; GPs: 1, 2, 3, 4, 5, 7, 8, 14, 15, 16, and 20. If the CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the applicant that the CRMC authorization is also their Corps authorization provided they comply with the GP's conditions. Written approval from CRMC giving joint state/federal authorization is required before work can commence. A SVNF is not required if Non-Reporting.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria are eligible under SV of this GP if they:

- Are subject to USACE jurisdiction (see Appendix B, GC 2);
- Meet the SV criteria in Appendix A - General Permits;
- Meet the requirements of the applicable GCs in Appendix B;
- Meet all other applicable terms and conditions of these GPs; and
- Result in no more than minimal impacts to the aquatic environment.

Project proponents seeking authorization under these GPs by qualifying for SV must comply with all GCs and other relevant federal laws such as the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Consequently, applicant information submittals to USACE and outside experts such as the Rhode Island Historical Preservation and Heritage Commission (HPHC), The Narragansett Indian Tribe (NIT) (see Appendix D) and the National Park Service, is required for SV eligible activities when there is a likelihood of the presence of resources of concern and the proposed work has the potential to affect these resources. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements for both SV and PCN review.

c. How to Obtain Self-Verification Verification: Applicants must:

- (1) Confirm that the activity meets all the applicable SV eligibility criteria, terms and conditions stated in 2(b) above;
- (2) Notify the RI HPHC and the Tribal Historic Preservation Officers (THPOs) listed in Appendix D and GC 11 for submission requirements;
- (3) Obtain an Official Species List of federally threatened and endangered species that may occur in the activity's action area (see GC 12); and
- (4) Submit the SVNF and its required accompanying materials (see Appendix E) to USACE at least two-weeks prior to start of project construction. Digital submittals by email (preferred), CD/DVD or USB flash drive are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy as allowances will be made. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence> for information about our electronic submittal process.

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(5) RI CRMC or RI DEM will confirm if the activity is eligible for SV.

3. PCN Review Category

a. Notification: For activities that are not eligible for SV or when it is stated that a PCN is required, an application to, and written verification from, USACE is required. No work requiring a PCN may proceed until written verification from USACE has been received.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria may be eligible for authorization under these GPs:

- Are subject to USACE jurisdiction (see Appendix B, GC 2);
- Meet the criteria of PCN in Appendix A – General Permits;
- Meet the requirements of the applicable GCs in Appendix B;
- Meet all other applicable terms and conditions of these GPs;
- Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of Federal and State resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal; and

c. Applying for authorization through the PCN process: Applicants must submit a PCN to USACE. Digital submittals by email (preferred), CD/DVD or USB flash drive are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy as allowances will be made. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence> for information about our electronic submittal process. USACE staff will notify you if a paper copy or large-scale drawings are required for the evaluation.

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4. Emergency Procedures: Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an “emergency” is a situation which would 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 the application under standard procedures.” Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an Individual Permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to submittal of an application. Where an application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

5. Individual Permit Procedures: Work that is **NOT** eligible for authorization under the GPs as defined in Appendix A – General Permits and applicable GCs, or that does not meet the applicable terms and conditions of the GPs, will require review under USACE Individual Permit procedures (see 33 CFR 325.1). Applicants shall submit the appropriate application materials to USACE. General information and the application form can be obtained at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

APPENDIX A - GENERAL PERMITS FOR THE STATE OF RHODE ISLAND & TRIBAL LANDS

All Self-Verification and Pre-Construction Notification activities must comply with all applicable terms, general conditions, and any additional eligibility requirements below.

Section 10 of the Rivers and Harbors Act of 1899 (S10): a permit is required for all work, including structures, seaward of the mean high water line in navigable waters of the U.S. For purposes of Section 10, navigable waters of the U.S. are those subject to the ebb and flow of the tide within the boundaries of the State of Rhode Island and adjacent ocean waters to the seaward limit of the outer continental shelf.

Section 404 of the Clean Water Act (S404): a permit is required for activities which involve the discharge of dredged or fill material into waters of the U.S., including not only navigable waters of the U.S. but also inland rivers, lakes, streams, and wetlands. In coastal waters, Corps jurisdiction under S404 extends landward to the high tide line or the landward limit of any wetlands, whichever is more extensive. In inland waters, Corps jurisdiction extends landward to the ordinary high water mark or the landward limit of any wetlands, whichever is more extensive.

GP #	Category of Activity
GP 1	Aids to navigation & temporary recreational structures
GP 2	Repair or maintenance of existing currently serviceable, authorized, or grandfathered structures & fills and removal of structures
GP 3	Moorings
GP 4	Pile-supported structures & floats, including boat lifts/hoists & other miscellaneous structures & work
GP 5	Boat ramps and marine railways
GP 6	Utilities including lines, outfall and intake structures and appurtenant features
GP 7	Dredging, transport & disposal of dredged material, beach nourishment & rock removal and rock relocation
GP 8	Discharges of dredged or fill material incidental to the construction of bridges
GP 9	New shoreline and bank stabilization projects and Living Shorelines
GP 10	Aquatic habitat restoration, establishment, and enhancement activities
GP 11	Fish and wildlife harvesting activities
GP 12	Oil spill and hazardous material response operations
GP 13	Cleanup of hazardous and toxic waste and removal of contaminated soil
GP 14	Scientific measurement and monitoring devices
GP 15	Survey and exploratory survey activities
GP 16	Aquaculture & Mariculture Activities
GP 17	New and expansion of recreational, residential, institutional, and commercial developments
GP 18	Wetland crossings for linear transportation projects
GP 19	Stream river and brook crossings (not including wetland crossings)
GP 20	Energy generation and renewable energy facilities and hydropower projects
GP 21	Temporary fill not associated with a regulated General Permit activity

GP 1. AIDS TO NAVIGATION & TEMPORARY RECREATIONAL STRUCTURES

The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). The installation of temporary buoys, markers, floats, or similar structures solely for recreational use or short-term events such as water-skiing competitions, fireworks display or seasonal swim floats.

Applies to: Section 10; navigable waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none">• Aids to Navigation/temporary structures in submerged aquatic vegetation (SAV).• Aids to Navigation/temporary structures in USACE Federal navigation projects (FNPs). FNPs are comprised of Federal channels, anchorages and turning basins. Please click on the link below for more information:https://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects/ on the limits of these Federal projects.• Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued. <p><u>Eligible for SV – Non-Reporting to the Corps:</u></p> <ul style="list-style-type: none">• Aids to navigation and regulatory markers (both permanent and temporary) approved by the U.S. Coast Guard (USCG) that are not located within FNPs.• Temporary buoys, markers, floats, etc. for recreational use during specific seasonal or short-term events, provided they are not located within USACE FNPs, are in place no longer than the defined seasonal timeframe and are removed within 30 days after use is discontinued. <p>If the project meets self-verification, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A Self-Verification Notification Form (SVNF) is not required.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none">• <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none">• Aids to Navigation/temporary structures in SAV.• Aids to Navigation/temporary structures in FNPs.• Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued. Must be in accordance with USCG requirements.

GP 2. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED OR GRANDFATHERED STRUCTURES & FILLS, REMOVAL OF STRUCTURES

Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction technique requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Includes removal of structures and fill and accumulated sediment/debris. Stream, river, brook, or other watercourse crossings are not eligible under GP 2 (see GP 19). Maintenance dredging, beach nourishment or beach restoration are not eligible under GP 2 (see GP 7).

Applies to: Section 10 & 404; tidal and non-tidal waters of the U.S.

Not authorized under GP 2: (a) Permanent impacts >1/2 acre in tidal and 1 acre in non-tidal waters and/or wetlands, >1000 SF in tidal Special Aquatic Site (SAS) other than vegetated shallows, or >100 SF in tidal vegetated shallows.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Fill in tidal waters & wetlands. • Impacts in SAS (see Appendix D - Definitions). • Slip lining or culvert relining that changes invert elevation. • Additional riprap beyond the existing, previously authorized footprint. • Unconfined work in streams with diadromous fish occurring between April 1 and June 30. • Unconfined fill in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon including designated critical habitat, foraging, and overwintering areas. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • ≤5,000 SF of impacts in non-tidal waters & wetlands includes <5,000 SF removal of sediment or riprap placement. • Bulkhead replacement via installation of new bulkhead within 18" of existing bulkhead & associated backfill. • Pile supported structures re-constructed in the same footprint using the same materials except steel piles installed using an impact hammer. • Drawdown of impoundment for dam/levee repair provided it does not exceed 18 months and one growing season (April through September). • 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. • Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • New fill (temporary or permanent) > 5,000 SF in waters and wetlands. • New riprap fill that exceeds the minimum necessary to protect the existing fill/structure. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Fill and impacts (structures or work) ≤ 5,000 SF in waters and wetlands • Additional riprap beyond the existing, previously authorized footprint • Removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) • Removal of bridge structures subject to USCG jurisdiction are covered under GP 8, provided the USCG issues a bridge permit. • Any bank stabilization measures not directly associated with the structure requires a separate authorization under GP 9. • The removal of accumulated sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built but cannot extend farther than 200 feet in any direction from the structure. Excavated materials must be deposited and retained in an area that has no waters of the U.S. • Pile supported structures using steel piles installed using an impact hammer.

discharges, such as sandbag cofferdams, access fills, etc. are necessary for construction activities or dewatering of construction sites.

- Temporary fills must consist of materials installed in a manner that will not be eroded by high flows. Materials must be removed in their entirety and affected areas returned to pre-construction elevations and must be re-vegetated as appropriate.
- Work to previously approved tide gates with a Corps-approved operation and maintenance plan and tide gates not affecting the hydraulic regime.

If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A SVNFI is not required if Non-Reporting.

- Notes:**
1. Removal of bridge structures in navigable waters are covered under GP 8, if the Coast Guard issues a bridge permit.
 2. Stream, river, brook or other watercourse crossings are not eligible under GP 2 (See GP 19).
 3. Grandfather dates include work performed & structures installed before 1968 & fill placed before 1975.
 4. Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.

GP 3. MOORINGS

New private, non-commercial, non-rental, single-boat moorings & temporary moorings including moorings to facilitate construction or dredging; minor relocation of previously authorized moorings and mooring field expansions, boundary reconfigurations or modifications of previously authorized mooring fields and maintenance and replacement of moorings.

Applies to: Section 10; navigable waters of the U.S

Not authorized under GP 3: Moorings within Federal Navigation channels.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none">• New moorings located in FNPs, including anchorages• New moorings located in tidal SAS• New moorings located in shellfish beds. <p><u>Eligible for SV – Non-Reporting to the Corps:</u></p> <ul style="list-style-type: none">• Private, non-commercial, non-rental, single-boat moorings as well as temporary moorings needed to facilitate construction or dredging.• Minor relocation of previously authorized moorings provided no impact to SAS or shellfish beds.• Must receive local harbormaster or municipal commission authorization.• Replacement of existing moorings within SAS (e.g., eelgrass) with low impact mooring technology that prevents mooring chains from resting or dragging on the bottom substrate at all tides, helical anchors, or equivalent SAS protection systems. <p>If the project meets self-verification, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A SVNF is not required.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none">• Moorings in Federal Navigation Channels <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none">• New moorings, including expansion of existing mooring fields, that are associated with an existing or proposed boating facility.• Private moorings without harbormaster or local approval.• Moorings located such that they, and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits of a Federal Anchorage. The buffer zone is equal to 3 times the authorized depth of that channel.• New individual moorings in SAS, including eelgrass. Locating moorings in SAS should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides, helical anchors, or equivalent SAS protection systems, where practicable. USACE may require an eelgrass survey to document presence or absence of SAS to determine the appropriate type and amount of compensatory mitigation for impact to SAS.• Temporary and permanent impacts to >1000 SF of SAS (except tidal SAV) or intertidal habitats.• Temporary and permanent impacts to: (1) >100 SF of tidal SAV; or (2) ≤100 SF of tidal SAV if compensatory mitigation isn't required.

Notes:

1. Locating new individual moorings in SAS, including eelgrass, should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems, where practicable. For moorings that appear to impact SAS, the Corps may require an eelgrass survey.
2. Boating facilities provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.

GP 4. PILE-SUPPORTED STRUCTURES & FLOATS, INCLUDING BOAT LIFTS/HOISTS & OTHER MISCELLANEOUS STRUCTURES & WORK

New, expansions, reconfigurations, or modifications of structures for navigation access including floats, stairs/pads, and boat/float lifts as well as other miscellaneous structures.

Applies to: Section 10; navigable waters of the U.S.

Not authorized under GP 4: (a) fill or excavation; (b) no structures within Federal Navigation channels; or (c) structures associated with a NEW non-residential boating facility, which are facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • New structures or floats associated with non-residential boating facilities. • Structures located over, or within 25-feet of SAV. • Structures or floats located within the buffer zone (3x the authorized depth of the FNP) of the horizontal limits of FNPs. • Wooden piles > 12 inches in diameter. • Structures or floats that extend across >25% of the waterway width at mean low water (MLW). <p><u>Eligible for SV – Non-Reporting to the Corps:</u></p> <ul style="list-style-type: none"> • Private residential structures including lifts with a length limit not to exceed 75’ beyond mean low water and limited to 4’ in width. Structures shall have ≥1:1 height/width ratio over salt marsh. The height should be measured from the marsh substrate to the bottom of the longitudinal support beam. • Floats must be supported at least 18” above the intertidal and shallow sub-tidal substrate during all tide cycles. Float stops are acceptable. • Wooden piles for a single and complete project ≤25 piles. • Private boat lifts. • Letter of no objection from riparian property owner is required for new structures within 25 feet of riparian property line extensions. • Reconfiguration of existing authorized structures or new floating structures; provided those structures do not extend beyond the existing RI CRMC marina or structural perimeter limits of the facility or encroach into SAS. No new steel piles. <p>If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP’s conditions. A SVNF is not required.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent structures in a Federal Navigation Channel or in the buffer zone • New structures associated with an existing non-residential boating facility that are located beyond the existing footprint of the facility. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Wave attenuation structures and timber groins. • New pile-supported/fixed structures within an existing boating facility, provided those structures do not extend beyond the existing RI CRMC perimeter limit of the facility. • Structures or work in or affecting tidal or navigable waters that are not defined under any other GP activity. • Structures that are located within 25 feet of riparian property line extensions unless the properties are owned by the same owner. If not, USACE may require a letter of no objection from the abutter(s). <p>* Boating Facility: Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.</p> <p>** Footprint is defined as the limit of structures, such as docks, pilings, piers, or platforms, at an established marina or docking facility.</p>

GP 5. BOAT RAMPS & MARINE RAILWAYS

Activities required for the construction of boat ramps and marine railways, including excavation and fill.

Applies to: Sections 10 & 404; tidal and non-tidal waters of the U.S.

Not authorized under GP 5: (a) Permanent and temporary fill >1 acre of non-tidal waters and/or wetlands, (b) permanent and temporary impacts >1/2 acre in tidal waters; >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows; or (c) dredging in navigable waters of the U.S. (see GP 7)

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> Boat ramps or marine railways in tidal waters. Unconfined fill or excavation discharges in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon, including designated critical habitat, foraging, and overwintering areas. (See GC 12 for a hyperlink to the NOAA ESA) Fill or excavation discharges in vegetated shallows with <i>Vallisneria americana</i> (also known as water celery, American eelgrass or tapegrass). Boat ramps located within 25 feet of riparian property line extensions <u>unless</u> the properties are owned by the same owner or a letter of no objection from the abutter is provided. No work April 1 through June 30 in non-tidal waters that support diadromous fish species. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> Ramp construction with ≤5,000 SF of non-tidal waters and/or wetland fill (permanent and temporary). Ramps constructed in inland waters that support a nadromous fish (see Appendix H) provided construction occurs during low (at or below the normal water elevation) or no-flow condition and/or behind a cofferdam between July 1 and March 31. The cofferdam shall be constructed of non-erodible materials (steel sheets, aqua barriers, or geotextile liner; earthen cofferdams are not permissible). <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP’s conditions. A SVNF is not required if Non-Reporting.</p> <p>Note: If boat ramps are located within 25 feet of a riparian property line and the property is not held by the same owner, USACE may require a letter of no objection from the abutter(s) or require an appropriate buffer if one is needed.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> Permanent and temporary impacts >1/2 acre of waters and wetlands. Permanent and temporary impacts >1000 SF in tidal SAS, other than vegetated shallows. Impacts >100 SF in SAV. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> Permanent and temporary impacts ≤1/2 acre of waters and wetlands. Permanent and temporary impacts ≤1000 SF in tidal SAS, other than vegetated shallows. Impacts ≤100 SF in tidal vegetated shallows. Boat ramps located within 25 feet of an abutting riparian property line with a letter of no objection from the abutter(s).

GP 6. UTILITY LINE ACTIVITIES, OUTFALL AND INTAKE STRUCTURES AND APPURTENANT FEATURES

Activities required for: (a) The construction, maintenance, relocation, repair, & removal of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for utility lines. This GP includes but is not limited to utility lines such as electric, water, oil, sewer, gas or cable; (b) The construction, maintenance or expansion of utility line substation and other appurtenant facilities associated with an electric line, gas line or other utility line in non-tidal waters; and (c) The construction and maintenance of foundations for overhead utility line towers, poles, and anchors provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where practicable, considering system reliability and other factors. This GP authorizes the construction of access roads to facilitate construction of the above activities provided the activity, in combination with all other activities included in one single and complete project, does not cause the permanent loss of greater than 1 acre of non-tidal waters of the U.S (see Note 1 below). Impacts resulting from mechanized pushing, dragging or other similar activities that redeposit excavated soil material shall be figured into the area limit determination.

Applies to: (Sections 10 & 404; tidal & non-tidal waters of the U.S.)

Not authorized under GP 6: (a) Permanent and temporary fill >1 acre of non-tidal waters and/or wetlands (see Note 1), (b) permanent and temporary impacts >1/2 acre in tidal waters; >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows; or (c) blasting or storage of equipment in wetlands.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Work in, over or under tidal waters. • Outfalls. • New riprap beyond the existing previously authorized footprint. • Fill in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon including designated critical habitat, foraging, and over-wintering areas. (See GC 12 for a hyperlink to the NOAA ESA maps) • Unconfined work or silt producing activities in streams with diadromous fish between April 1 and June 30. (See Appendix H) <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Cumulative permanent and temporary impacts of ≤5,000 SF of fill for each single and complete project (see GC 5) provided none of the individual single and complete linear project impact areas for the entire project exceed the threshold for the SV (≤5,000 SF). • Backfill of the trench over the pipe and to the ground surface shall occur with native materials, to the extent practicable for industry standard and may not facilitate wetland or waterway drainage below, or on the ground surface. Trench plugs shall be installed to prevent drainage of waters and wetlands. • Activities may not intentionally or unintentionally impound waters, including wetlands. • Intake structures such as dry hydrants, if located within a stream, intake must be equipped with an appropriately sized mesh screen to prevent entrainment and the intake velocity must not exceed 0.5 foot-per-second to prevent impingement of aquatic organisms. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary fill >1/2 acre of waters and wetlands. • Permanent and temporary fill >1000 SF in tidal SAS other than vegetated shallows. • >100 SF in tidal SAV. • New tide gates that are not affiliated with a permitted stormwater discharge or a authorized National Pollutant Discharge Elimination system. • Work that includes blasting. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary fill ≤1/2 acre of waters and wetlands. • Permanent and temporary fill ≤1000 SF in tidal SAS other than vegetated shallows. • Utility activities including excavation and trench backfill with impact to riffle and pools or vegetated shallows. • New outfalls and/or intakes. • New riprap armoring for utility-related structures and scour protection. • Temporary utility access roads for construction (see GPs 18 and 19 for permanent maintenance access roads) • Streambed installation of utility lines or mains via open-cut trench excavation in flowing waters or dam and pump diversion. • Temporary fill, including fill for construction access roads, must be removed upon completion of work and the area shall be completely restored to pre-construction elevation and condition, and re-vegetated with native species as appropriate.

- Construction occurs during low (at or below the normal water elevation) or no-flow condition between July 1 and March 31 in streams with diadromous fish (see Appendix H) or work conducted behind a cofferdam at any time. The cofferdam shall be constructed of non-erodible materials (steel sheets, aqua barriers, sandbag, or geotextile liner; earthen cofferdams are not permissible).
- Temporary fill, including fill for construction access roads, must be removed upon completion of work and the area shall be completely restored to pre-construction elevation and condition, and re-vegetated with native species as appropriate.
- Pad/foundations are the minimum size necessary and are configured as a separate footing for each tower leg (rather than a larger single pad).
- Impacts in waters or wetlands resulting from mechanized pushing or dragging, and temporary side cast of excavated material from trenches shall be figured into the <5,000 SF “single and complete” project category threshold.
- No silt producing activities from April 1 through June 30 in non-tidal waters that support diadromous fish species.

- Pad/foundations are the minimum size necessary and is configured as a separate footing for each tower leg (rather than a larger single pad).
- Impacts in waters or wetlands resulting from mechanized pushing or dragging, and temporary side cast of excavated material from trenches shall be figured into the 1/2 acre “single and complete” project category threshold.
- Overhead utility lines constructed over Section 10 waters and submarine utility lines that are routed in or under such waters.
- Storm water outfalls.
- New intake structures.
- Trench excavation, bedding and backfill.
- Staging of equipment in wetlands during construction.

Note: Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.

Notes:

1. Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is completed.

GP 7. DREDGING, TRANSPORT AND DISPOSAL OF DREDGED MATERIAL, BEACH NOURISHMENT, ROCK REMOVAL AND ROCK RELOCATION

New, improvement and maintenance dredging (see note below) including: (a) Disposal of dredged material at a confined aquatic disposal, beach nourishment, near shore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; (b) Beach nourishment not associated with dredging; and (c) Rock removal and relocation for navigation.

Applies to: Sections 10, 404, & 103; tidal waters of the U.S.

Not authorized under GP 7: (a) New dredging with >1000 SF of impacts to intertidal areas or saltmarsh or >100 SF of impacts to vegetated shallows; (b) Maintenance dredging and/or disposal with >1/2 acre of impacts to tidal Special Aquatic Sites (SAS); (c) New dredging where the primary purpose is sand mining for beach nourishment; (d) Beach scraping; (e) Beach nourishment or rock relocation > 1 acre in non-tidal areas; or (f) Blasting.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Beach nourishment and beach grading. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • Maintenance dredging in tidal waters of any volume provided: <ul style="list-style-type: none"> ○ Upland disposal above the HTL; ○ Proper siltation controls used & maintained to prevent runback into waterway/wetland; ○ No impacts to SAS or intertidal areas; • Work occurs from October 1 through January 31. • In tidal areas rock/boulder relocation with ≤200 SF of impacts and no impacts to SAS. • ≤5000 SF of beach nourishment in non-tidal areas. • Beach grooming or raking between November 1 and January 31. <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP’s conditions. A SVNF is not required.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • New dredging (not previously authorized) with >1000 SF of impacts to intertidal areas or tidal SAS • Maintenance dredging and/or disposal with >1/2 acre of impacts to tidal SAS other than vegetated shallows (saltmarsh, mud flats). • New dredging for the primary purpose of mining or borrowing sand for beach nourishment. • Rock removal and relocation for navigation with impacts >1/2 acre. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Maintenance dredging not eligible for SV; improvement dredging and new dredging. • Dredged material disposal including open water disposal, confined aquatic disposal cells (CAD cells), near-shore disposal or beach nourishment. • Beach nourishment and beach grading. • Rock removal mechanically or by blasting (see below for additional criteria) • For work that includes blasting, a blasting plan must be submitted and approved by USACE, CT DEEP and National Marine Fisheries Service (NMFS). <p>**Maintenance dredging includes areas and depths previously dredged after being authorized by USACE.</p>

Note: Improvement is dredging to deeper depths in areas previously dredged or authorized. Maintenance dredging includes areas and depths previously authorized by the Corps and dredged.

GP 8. DISCHARGES OF DREDGED OR FILL MATERIAL INCIDENTAL TO THE CONSTRUCTION OF BRIDGES

Discharges of dredged or fill material incidental to the construction, modification, or removal of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, approach fills, 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.

Applies to: Sections 10 & 404; navigable waters of the U.S.

Not authorized under GP 8: Causeways.

GP 8 is not applicable to bridges over inland waters or wetlands that are not tidally influenced or regulated as navigable under Section 10 (see definitions on Appendix A, Page 1 and at 33 CFR Part 329; Definition for Navigable Waters of the U.S.

For projects that are not subject to USCG regulations see eligibility criteria for GPs 2, 18 or 19.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Construction of causeways and approach fills. • Fill in SAS or shellfish beds. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • Permanent or temporary discharges of dredged or fill material incidental to the construction and/or modification of bridges. • Pier foundations. • Cofferdam and water handling facilities. • Bridges authorized by the USCG under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws including 2002 transfer of authorities to Secretary of Homeland Security under 6 U.S.C. 552(d). <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A SVNF is not required if Non-Reporting.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary fill >1 acre of waterways. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary fill ≤1 acre of waterways. • Permanent and temporary fill ≤1000 SF in tidal SAS, other than SAV. • Permanent and temporary fill ≤100 SF in SAV.

GP 9. NEW SHORELINE & BANK STABILIZATION PROJECTS AND LIVING SHORELINES

Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Includes bulkheads, seawalls, riprap, revetments, or slope protection & similar structures, specifically for the purpose of shoreline protection. Also includes vegetative planting, soil bioengineering or alternative techniques that rely on a substantial biological component (e.g., fringe wetland, shellfish reef) or include discharges associated with planned shoreline retreat to maintain, restore, or enhance the natural continuity of the land-water interface and natural ecological processes. See **GP 2** for replacement of existing bank stabilization structures/fills.

Applies to: Sections 10 & 404; tidal and non-tidal waters of the U.S.

Not authorized under GP 9: (a) Bank stabilization >500 LF in total length including both stream banks; (b) Permanent and temporary impacts >1/2 acre in tidal waters or 1 acre in non-tidal waters, >1000 SF in tidal Special Aquatic Sites (SAS) other than vegetated shallows, or >100 SF in tidal vegetated shallows; (c) Stream channelization or relocation activities; or (d) breakwaters, groins and jetties.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Vertical stone structures or embankments angled steeper than 1 V: 1H. • New bulkheads & retaining walls. • Fill beyond the toe of slope within the streambed other than necessary to secure the toe of slope. • The use of grouted riprap, poured/unformed concrete/asphalt, or asphalt pieces. • Discharges of fill material within SAS, including mud flats, tidal wetlands, SAV and/or shellfish beds. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Tidal and non-tidal shoreline & bank stabilization projects and other stream, river, or brook bank stabilization projects ≤200 linear feet (includes total for more than one stream bank) provided: <ol style="list-style-type: none"> 1. No discharge of fill material within SAS, including mud flats, tidal wetlands, vegetated shallows, and shellfish beds. 2. Soft stabilization measures such as bioengineered fiber roll revetments or equivalent, shall be used wherever practicable. 3. No vertical stone structures or embankments angled steeper than 1 V: 1H. No new bulkheads. 4. Fill is limited to 1 foot or less seaward of existing toe of bank. 5. ≤5,000 SF (temporary or permanent) fill in non-tidal waters and/or wetlands. 6. No fill within the streambed. 7. Unconfined work, not including installation and removal of cofferdams, is limited to July 1 through October 31 in non-tidal waters. 8. Work occurring behind a cofferdam may occur at any time. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Shoreline & bank stabilization projects >500 LF. • Living shorelines >1,500 LF in length. • New breakwaters, groins, and jetties. • Discharge of fill material >1,000 sf within SAS, including mud flats, tidal wetlands, or shellfish beds and >100 sf in vegetated shallows/SAV. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Shoreline & bank stabilization projects ≤500 LF (total length including both stream banks). • Living shorelines ≤1500 LF (total length including both stream banks).

- Soft biodegradable (see definition) stabilization measures such as bioengineered fiber roll revetments or equivalent, shall be used wherever practicable.
- After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

GP 10. AQUATIC HABITAT RESTORATION, ESTABLISHMENT & ENHANCEMENT ACTIVITIES

Activities in waters of the U. S. associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance 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 streams and associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; 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.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 10: (a) Conversions of wetlands to open water, except for the excavation of new salt pannes; or (b) Artificial reefs.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent & temporary fill >1/2 acre of inland waters and/or wetlands. • Permanent fill in, or conversion of, tidal wetland. • Thin layer deposition for saltmarsh restoration. • Fill for purposes of converting marsh to upland. <p><u>New or improvement dredging (deepening) discharges (including side-casting of excavated material from ditching) to eliminate mosquito breeding habitat. Eligible for SV:</u></p> <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • ≤5,000 SF of permanent & temporary fill and/or excavation discharges. • Maintenance ditching to eliminate mosquito breeding habitat and new ditching ≤100 LF. • Placement of boulders clusters, woody debris clumps, log vanes or deflectors in waters for fish habitat restoration. • Salt marsh restoration work that includes draining of ponded dieback areas through excavation of runnels and shallow creeks with handheld tools or low-impact ground equipment; blocking or unclogging of historic mosquito ditches to restore tidal flushing and to drain impounded water; new mosquito ditching of ≤100 LF; excavation of pools to support fish habitat and waterfowl foraging habitat; and placing excavated materials on the marsh surface to allow for salt marsh recolonization. • Placement of caged shellfish brood stock, seed shellfish, spatted-shell, cultch, or shellfish restoration materials in tidal waters for the restoration or enhancement of existing, publicly-managed, shellfish beds provided there is no placement in or impacts to SAS and does not result in degradation of habitat for other aquatic resources. This applies only to RIDEM projects or projects conducted in partnership with RIDEM. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Conversion of wetland to open water. • New wildlife, waterfowl impoundments or fish ponds. • New tide gate installation. • Artificial reefs. • Permanent and temporary impacts >1/2 acre in tidal waters. • Permanent and temporary impacts >1000 SF in tidal SAS, other than vegetated shallows. • Permanent and temporary impacts >100 SF of tidal SAV <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Pond or lake restoration or enhancement for water quality or ecological habitat renovation. • Dam removals not eligible for SV. • Stream channel reconstruction, relocation, realignment, and stream bed modification • Installation of fish ladders • Management of existing wildlife or waterfowl impoundments. • Integrated Marsh Management in tidal waters and wetlands for combined wetland enhancement, mosquito control and reduction which may include draining of ponded dieback areas through excavation of runnels with handheld tools or low-impact ground equipment; blocking or unclogging of historic mosquito ditches or tidal creeks to restore tidal flushing and natural salinity levels; excavation of new salt pannes to increase shorebird and waterfowl foraging habitat and larvivorous fish habitat. • Pro-active saltmarsh restoration with thin layer discharge provided there is no net loss of wetland area. • New ditching to eliminate mosquito breeding habitat >100 LF.

- $\leq 5,000$ SF of non-tidal waterway and/or non-tidal wetland fill provided the activity is permitted by a state agency.
- SAS planting and transplanting ≤ 100 SF.
- Placement of seed shellfish, spatted shell, or cultch in tidal waters for the restoration or enhancement of existing, publicly managed, recreational shellfish beds (native seed stock only).
- Removal of non-native invasive, exotic or nuisance vegetation.

- Stream channelization that would alter the hydrology of nearby wetlands and waterbodies.

Note: Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.

GP 11. FISH & WILDLIFE HARVESTING ACTIVITIES

Activities in tidal waters of the U.S. associated with fish and wildlife harvesting and harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.).

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 11: (a) Artificial reefs, impoundment(s) or semi-impoundment(s) of water; (b) Permanent and temporary impacts >1/2 acre in tidal waters, >1000 SF in tidal Special Aquatic Sites (SAS) other than vegetated shallows, or >100 SF in tidal vegetated shallows; or (c) Shellfish dredging, either mechanical or hydraulic in SAS.

GP 11 is not applicable to inland waters or wetlands that are not tidally influenced or navigable under Section 10 (see definitions on Appendix A Page 1 and 33 CFR Part 329; Definition for Navigable Waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent impacts to SAS, including intertidal mud flats, salt marshes and SAV. • Placement in FNPs or interference with navigation. FNPs are comprised of Federal Channels, anchorages and turning basins. More information on the limits of these FNPs can be found at: https://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects • No structures, cages or traps located in SAS. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Activities associated with fish and wildlife harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging and dredging, small fish aggregating and attraction devices such as open water fish concentrators (sea kites, etc.). • All gear, except for permanent mooring tackle shall be removed when not in use and stored at an upland location above MHW and outside of wetland, including saltmarsh. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Artificial Reefs, impoundment(s) or semi-impoundment(s) of water • >1/2 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts. • Temporary and/or permanent fill or excavation in SAV >100 SF. • Permanent fill or excavation in other SAS >1000 SF. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • ≤1/2 acre temporary or permanent impacts, fill, excavation, and/or secondary impacts. • Temporary and/or permanent fill or excavation in SAV ≤100 SF • Permanent fill or excavation in other SAS ≤1000 SF • Devices (structures) proposed to be used or located in tidal SAS, including salt marsh, mud flats and SAV. •

GP 12. OIL SPILL & HAZARDOUS MATERIAL RESPONSE OPERATIONS

(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 activities are done under either (i) The Spill Prevent, Control & Countermeasure Plan required by 40 CFR 112.3; (ii) The direction or oversight of the Federal on-site coordinator designated by 40 CFR 300; or (iii) Any approved existing State, regional or local contingency plan provided that the Regional Response Team concurs with the proposed response efforts or does not object to the response effort. (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. (c) Booms placed in tidal waters. (d) Use of structures & fills for spill response training exercises. Special Aquatic Sites (SAS) must be restored in place to pre-impact elevations.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Activities that are conducted in accordance with (a) or (b) above. • Booms placed in navigable waters for hazardous and toxic waste containment, absorption and prevention, provided they are removed upon completion of the cleanup. • Temporary impacts for spill response training exercises are ≤5,000 SF in non-tidal waters and ≤1,000 SF in tidal waters, and temporary structures in tidal waters with no impacts to SAS and in place for ≤30 days. <p>Note: Permittees have up to two weeks following commencement of these activities to submit the SVNF.</p> <p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Training activities with impacts to tidal SAS, including SAV, natural rocky habitats and/or shellfish beds. • Clean up activities are planned, scheduled, or not conducted during the initial emergency response. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • >1 acre of permanent waterway and/or wetland fill and a associated secondary impacts. • Establishment of new sites for disposal of hazardous/toxic waste. • Activities that will have more than minimal individual or cumulative adverse environmental effects. See GC 4. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • ≤1 acre of permanent waterway and/or wetland fill & secondary impacts to include impacts for spill response training exercises. • The activity is planned or scheduled, not an emergency response, and will cause turbidity or sediment resuspension in tidal waters or streams. • Permanent structures or impacts for spill response training exercises.

GP 13. CLEANUP OF HAZARDOUS & TOXIC WASTE

Specific activities to affect 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. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA, are not required to obtain permits under Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 13: (a) the establishment of new disposal sites; or (b) the expansion of existing sites used for the disposal of hazardous or toxic waste.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV:</u></p> <ul style="list-style-type: none"> • Fill in coastal waters or wetlands. • Stream channelization, relocation, or loss of streambed including impoundments. • Establishment of new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste. • Permanent discharges in, or conversion of, SAS or a vernal pool depression that is located within waters of the U.S. • All cleanup activities except for the use of booms <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • ≤5,000 square feet (SF) of permanent or temporary waterway and/or wetland fill and, associated secondary impacts. • SAS must be restored in place and at pre-impact elevation, to the maximum extent practicable. • Booms placed in waters for containment, absorption, and prevention, provided they are removed upon completion of the cleanup. <p>Note: Permittees have up to two weeks following commencement of these activities to submit the SVNF.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • >1/2 acre of permanent or temporary waterway and/or wetland fill and associated secondary impacts. • Establishment of new disposal sites or expansion of existing sites for the disposal of hazardous or toxic waste. • Activities that will have more than minimal individual or cumulative adverse environmental effects. See GC 4. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • ≤1/2 acre of permanent or temporary waterway and/or wetland fill and associated secondary impacts, and temporary fills. • SAS must be restored in place and at pre-impact elevation, to the maximum extent practicable. Permanent and temporary impacts to include waterway or wetland fill and associated secondary impacts, • Work in navigable waters of the U.S. other than booms placed for hazardous and toxic waste containment, absorption and prevention.

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

GP 14. SCIENTIFIC MEASUREMENT AND MONITORING DEVICES

Scientific 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 temporary weirs and flumes constructed primarily to record water quantity and velocity provided the discharge is less than 25 cubic yards. Upon completion of the use of the installed device it, and any other structures or fills associated with the device (e.g., foundations, anchors, buoys, lines, etc.), must be removed and the site restored to preconstruction elevation and condition, to the greatest extent practicable.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 14: (a) Permanent and temporary impacts >1 acre in non-tidal waters and wetlands; or (b) Permanent and temporary impacts >1/2 acre in tidal waters, >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >1,000 SF in inland waters and wetlands. • Fill in tidal waters and wetlands. • Permanent impacts to tidal SAV or natural rocky habitats. • Fill in a vernal pool depression that is located within waters of the U.S. • Biological sampling devices. • Weirs and flumes. • Interference with navigation or encroachment into an FNP. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts are ≤5,000 SF in non-tidal waters and wetlands. • Non-fill temporary or permanent impacts ≤1,000 SF of tidal SAS (except SAV). • Devices in tidal waters that do not restrict or concentrate movement of aquatic organisms and will not adversely affect the course, condition, or capacity of a waterway. <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A SVNF is not required if Non-Reporting.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >5,000 SF <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF • Temporary weirs and flumes constructed primarily to record water quantity and velocity.

Note: 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.

GP 15. SURVEY AND EXPLORATORY SURVEY ACTIVITIES

Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory type bore holes, exploratory trenching (mechanical land clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material) and historic resources surveys.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 15: (a) Permanent and temporary fill >1 acre of non-tidal waters and/or wetlands; or (b) permanent and temporary impacts >1/2 acre in tidal waters; >1000 SF in tidal SAS other than vegetated shallows or >100 SF in SAV.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent fill in inland waters >5,000 SF. • Permanent or temporary fill or permanent structures in tidal waters. • Drilling & discharge of excavated material from test wells for oil & gas exploration and seismic exploration. • Exploratory trenching and silt producing activities. • Blasting. • Interference with navigation. • Biological sampling devices. <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF in non-tidal waters and wetlands. • Temporary structures ≤1,000 SF removed when survey is concluded. • Sampling plots, resource surveys, soil borings, and core sampling. • Eligible for SV without SV notification: Wetland delineation, soil surveys, sampling plots, historic resource surveys. <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP’s conditions. A SVN is not required if Non-Reporting.</p> <p>Note: Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >1/2 acres; >1,000 SF in SAS, other than SAV; or >100 SF in SAV <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤1/2 acres; ≤1000 SF in SAS, other than SAV; or ≤100 SF in SAV. • Seismic surveying. • Exploratory trenching • Impacts, other than soil borings or core sampling, in tidal waters. • Permanent structures or drilling and discharge of excavated material from test wells for oil and gas exploration.

Notes:

1. For the purposes of this GP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material.

2. The area in which the exploratory trench is dug must be restored to its preconstruction elevation upon completion of the work and must not drain a water of the U.S. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench.
3. Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is complete.

GP 16. AQUACULTURE PROJECTS AND FISHERIES

The installation of buoys, floats, racks, rafts, trays, nets, lines, tubes, posts, or other structures in navigable waters for the containment and cultivation of indigenous species of shellfish and seaweed/kelp. Also authorized are anchored upweller floats, spat-collection structures, seawater intake/discharge structures, and discharges of dredged or fill material associated with cultivation such as the placement of cultch or spat/shell on bottom. Boundaries of vegetated shallows may be required to be located/surveyed in the field. See Corps website for guidance: <http://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/>.

Applies to: Sections 10 and 404; navigable waters of the U.S

Not authorized under GP 16: Impacts to SAS, including vegetated shallows.

NOTE: All facilities must be installed and operated in compliance with Appendix C – Standard Aquaculture Terms and Conditions.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> Structures in or within three times the authorized depth of an FNP. Culture of non-indigenous species or aquatic nuisance species.** <u>Enclosures and impoundments for aquaculture activities within tidal waters.</u> Kelp/sea weed or finfish aquaculture. Attendant features such as docks, piers, or boat ramps (see GP 4 or GP 5). Structures in established danger zones or restricted areas designated in 33 CFR part 334. Aquaculture activities that will result in conversion of habitat type (soft bottom to hard, or vice versa). <p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> Impacts ≤ 1,000 SF of tidal SAS, intertidal areas, or areas containing shellfish. Impacts ≤ 1/2 acre of tidal resources. Placement of shellfish seed, spat/shell or cultch for commercial shellfish aquaculture or restoration. The installation of temporary (≤ 3-years) structures for research, educational or experimental aquaculture gear impacting ≤ 1,000 SF for indigenous species under the supervision of the CRMC Aquaculture Coordinator. Cannot be located within an FNP or FNP side slope. Suspended cages or bags located wholly below and within the footprint of an existing authorized fixed or floating structure provided no loose lines and there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW. Shellfish upweller floats not to exceed 160 sf (anchored/berthed only, no piling installation), with a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW, cannot be located within an FNP or FNP side slope. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> New or expansion of existing impoundment(s) or semi-impoundment(s) of water for the culture of holding of motile aquatic organisms. Structures and work for finfish culture. Aquaculture activities that may obstruct navigation or has the potential for greater than minimal impact on navigation or other existing public uses. Structures for the culture of non-indigenous species that are not present in the waterbody. <p><u>Eligible for PCN (includes work not eligible for SV):</u></p> <ul style="list-style-type: none"> Activities with in-water ropes, lines and chains including, but not limited to, vertical drop lines, horizontal longlines or suspended gear for the rearing of shellfish or seaweed. Cages, racks, trays, netting or other structures floating on the water surface or >3-acres on the ocean bottom used to contain, cultivate or depurate shellfish. Activities that involve a change from bottom gear or culture to floating or suspended gear.

- Land-based shellfish hatchery or nursery intake and/or outlet provided diameter is ≤ 3 inches and properly screened to prevent entrainment or impingement of aquatic organisms.

If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP's conditions. A SVNF is not required.

**The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defined: (a) 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"; and

(b) 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 upon such waters."

GP 17. NEW AND EXPANSION OF RECREATIONAL, RESIDENTIAL, INSTITUTIONAL AND COMMERCIAL DEVELOPMENTS

Discharges of dredged or fill material for the construction or expansion of residences and residential subdivisions; commercial and institutional buildings or subdivisions; recreational facilities such as playing fields, bikeways, trails, etc.; and attendant features including but not limited to roads, parking lots, garages, yards, and utilities. This GP authorizes attendant features if they are necessary for the use of the project purpose. Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. See GPs 18 & 19 for crossings in inland waters and/or wetlands.

Applies to: Section 404; non-tidal waters of the U.S.

Not authorized under GP 17: (a) Temporary and permanent impacts that are >1 acre (see note below) in non-tidal waters and wetlands; (b) Stormwater treatment or detention systems, or subsurface sewage disposal systems in waters of the U.S.; or (c) New roadway and driveway crossings in non-tidal waters and/or wetlands. See GPs 18 & 19.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF of non-tidal waters and/or wetlands provided no impacts to Special Aquatic Sites other than wetlands. • Fill in a vernal pool depression that is located within waters of the U.S. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF <p>Note: Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >1 acre • New road and driveway crossings. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤1 acre of non-tidal waters and/or wetlands. • Impacts in non-tidal SAS.

Note: Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is completed. See GC16.

GP 18. WETLAND CROSSINGS FOR LINEAR TRANSPORTATION PROJECTS (INLAND)

Discharges of dredged or fill material required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features.

Applies to: Section 404; non-tidal waters of the U.S.

Not authorized under GP 18: (a) Permanent and temporary impacts for any single and complete projects >1 acre (see note below); or (b) Stream, river, or brook crossing projects (see GP 19).

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >5,000 SF • Work in SAS other than wetlands. • Slip lining or culvert relining that changes invert elevation. • Work that results in flooding (impoundment) or impedes wetland drainage from the upgradient side of the wetland crossing • Fill in a vernal pool depression that is located within waters of the U.S. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF • Permanent wetland crossings shall be constructed in such a manner as to preserve hydraulic and ecological connectivity, at its present level, between the wetlands on either side of the road or fill feature. <p>Note: Construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >1 acre <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤1 acre • Work in SAS. • Slip lining or culvert relining that changes invert elevation; or •

Note: Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1 acre threshold and should be removed as soon as work is completed. See GC16.

GP 19. STREAM, RIVER & BROOK CROSSINGS (NOT INCLUDING WETLAND CROSSINGS)

Discharges of dredged or fill material required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, bikeways, trails, airport runways, and taxiways) and attendant features. Recommend crossings be designed in accordance with the most recent RIDOT Road-Stream Crossing Design Manual: https://www.dot.ri.gov/business/documents/Road_Stream_Crossing_Design_Manual_8_2021.pdf

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

Not authorized under GP 19: (a) Permanent impacts: for any single and complete projects >1 acre in non-tidal waters and wetlands (see note below), >1/2 acre in tidal waters of the U.S., >1000 SF in tidal SAS or >100 SF in tidal vegetated shallows; (b) Temporary impacts: >1 acre in tidal waters, >5000 SF in tidal SAS or >1000 SF in vegetated shallows.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent & temporary impacts >5,000 SF. • Impacts to tidal waters and/or wetlands. • Stream relocations; dams, dikes; culvert crossings at new locations within perennial streams. • Slip lining or culvert relining that changes invert elevation. • Open trench excavation in flowing waters. Work occurring behind a cofferdam may occur at any time. • Stream relocations; dams or dikes; new culvert crossings of perennial streams. Slip lining or culvert relining that changes invert elevation. • Riprap beyond the minimum necessary to protect the structure • Fill in a vernal pool depression that is located within waters of the U.S. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF of non-tidal waters and wetlands provided for stream, river, brook crossings by means of a bridge or open-bottom structure. Full culverts (with bottoms) in non-perennial streams. • The use of a single culvert or bridge opening is required to the extent practicable over the use of multiple small openings. • Unconfined, in-stream work, not including installation and removal of cofferdams, is limited to the low-flow period, July 1 through September 30 unless RIDEM requires different resource-driven time of year restriction. 	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts >1 acre in inland waters. • Permanent impacts that are >1/2 acre in tidal waters. • Temporary impacts >1 acre in tidal waters. • Permanent impacts that are >1000 SF in tidal SAS other than vegetated shallows. • Permanent impacts that are >100 SF in tidal vegetated shallows. • Wetland crossings (see GP 18). <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤1 acre. • Permanent impacts that are ≤1/2 acre in tidal waters of the U.S. • Temporary impacts ≤1 acre in tidal waters • Permanent impacts that are ≤1000 SF in tidal SAS other than vegetated shallows. • Permanent impacts that are ≤100 SF in tidal vegetated shallows. • Full culverts with bottoms in perennial streams. • Riprap placed across the bed of the brook.

Note: Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is completed. See GC16.

GP 20. ENERGY GENERATION AND RENEWABLE ENERGY AND HYDROPOWER PROJECTS

Structures and work and discharges of dredged or fill material into waters of the U.S. for the construction, expansion, modification, or removal of: (a) land-based renewable energy production facilities (e.g., solar and wind) and their 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. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Eligible for SV – Non-Reporting to the Corps if CRMC Reviews:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤5,000 SF in non-tidal waters and wetlands. <p>If the project meets self-verification and CRMC performs a review, it is Non-Reporting to the Corps. If CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the permittee that the CRMC authorization is also the Corps authorization provided they comply with the GP’s conditions. A SVNF is not required if Non-Reporting.</p>	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none"> • Projects with >1 acre of permanent and/or temporary impact in waters and wetlands. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none"> • Projects with ≤1 acre of permanent and/or temporary impacts in waters and wetlands. • Temporary and/or permanent fill or excavation in ≤1,000 SF of SAV • Permanent fill or excavation in ≤5,000 SF in SAS (except for SAV) <p>Temporary or permanent impacts are <1 acre in non-tidal waters or wetlands. Mechanical clearing of areas within USACE jurisdiction without grubbing or other soil disturbance >1 acre as a secondary impact may still be eligible for PCN at the discretion of USACE.</p>
<p>Note: Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is completed. See GC16.</p>	

GP 21. TEMPORARY FILL NOT ASSOCIATED WITH ANY OTHER GP ACTIVITIES

Temporary discharges, such as sandbag/earth cofferdams, access fills, etc., necessary for construction activities, dewatering of construction sites, and temporary flood control for storm events

Applies to: Section 404; non-tidal waters of the U.S.

Not authorized under GP 21: Temporary impacts >1 acre in non-tidal waters and wetlands. Construction mats of any area necessary to conduct activities do not count towards the 5,000 SF or 1-acre threshold and should be removed as soon as work is completed.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or Individual Permit required):</u></p> <ul style="list-style-type: none">• Temporary impacts >5,000 SF not associated with construction mats.• Temporary fill in a vernal pool depression that is located within waters of the U.S. <p><u>Eligible for SV:</u></p> <ul style="list-style-type: none">• Construction mats of any area necessary to conduct activities.• Construction mats must be removed as soon as work is completed (See GC 17 Temporary Fill)• Temporary impacts ≤5,000 SF of non-tidal waters and wetlands.	<p><u>Not eligible for PCN (Individual Permit required):</u></p> <ul style="list-style-type: none">• Temporary impacts >1 acre. <p><u>Eligible for PCN:</u></p> <ul style="list-style-type: none">• Temporary impacts ≤1 acre.•

APPENDIX B - GENERAL CONDITIONS

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 these programmatic general permits (PGPs).

2. Federal Jurisdiction

- a. Applicability of these PGPs shall be evaluated with reference to Federal jurisdictional boundaries. Activities shall be evaluated with reference to “waters of the U.S.” under the Clean Water Act (33 CFR 328) and “navigable waters of the U.S.” under §10 of the Rivers and Harbors Act of 1899 (33 CFR 329). Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at 33 CFR 328-329. (Note: Waters of the U.S. includes all waters, including wetlands, pursuant to 33 CFR 328.3(a).
- b. Applicants shall identify all aquatic resources on the project site. They are all presumed to be waters of the U.S. unless an Approved Jurisdictional Determination (AJD) has been obtained from the Corps that determines otherwise. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement.

3. Avoidance, Minimization, and Compensatory Mitigation

- a. Avoid and Minimize: 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. Avoidance and minimization is required to the extent necessary to ensure that the adverse effects to the aquatic environment (both area and function) are no more than minimal.
- b. Compensatory mitigation¹: for effects to waters of the U.S., which are unavoidable and have been minimized to the greatest extent practicable, including direct, secondary and temporal², will generally be required for projects with permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require an Individual Permit (IP) review based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)]. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant IP review. This authority may be invoked for projects with cumulative adverse environmental effects that are more than minimal, or if there is a special resource or concern associated with a particular project. Whenever the Corps notifies an applicant that an IP may be required, authorization under these PGPs is voided and no work may be conducted until a Corps IP is obtained.

5. Single and Complete 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. The PGPs shall not be used for piecemeal work and shall be applied to single and complete projects.

- a. For non-linear projects, a single and complete project must have independent utility. 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.
- b. Unless the Corps determines the activity has independent utility, all components of a single project

¹ Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. Also reference the New England District Compensatory Mitigation Guidance at <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

² Temporal loss: The time lag between the losses 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).

and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project.

- c. For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e. single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. 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.

6. Use of Multiple General Permits. When a single and complete project requires the use of multiple PGPs, the acreage of impacts (loss) to Waters of the U.S. cannot exceed the acreage limit as specified. For example, if a road crossing over inland waters is constructed under PGP 18, with an associated utility line crossing authorized by PGP 6, the maximum acreage loss of Waters of the U. S. for the total project cannot exceed one (1) acre.

7. Corps Property and Federal Projects.

- a. In addition to any authorization under these PGPs, applicants 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.
- b. 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), or any use 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, is not eligible for SV and will also require review and approval by the Corps pursuant to 33 USC 408. Where Section 408 is applicable, a decision on a Department of the Army general permit application will not be rendered prior to the decision on a Section 408 request.

8. National Lands. Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary or any area administered by the National Park Service, U. S. Fish and Wildlife Service (USFWS) or U.S. Forest Service are not eligible for SV.

9. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river”, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g. National Park Service, U.S. Forest Service, Bureau of Land Management, USFWS). See <https://www.rivers.gov/rhode-island.php> for additional information.

10. Historic Properties

- a. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) to properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places³, including previously unknown historic properties within the permit area, unless USACE or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO),

³ Many historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with USACE and the SHPO and/or THPO.

Tribal Historic Preservation Officer (THPO) and the National Register of Historic Places can assist with locating information on:

- 1) Previously identified historic properties; and
 - 2) Areas with potential for the presence of historic or cultural resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants or tribal entities in consultation with USACE and the SHPO and/or THPO(s).
- b. RIDEM and CRMC Notification Requirements:
- 1) For RIDEM applications: For activities eligible for SV and PCN, applicants must document that the activity will not cause effects as stated in 10(a). To comply with this condition, both SV and PCN applicants shall notify the RI SHPO and THPO and request their identification of historic properties and cultural resources. The notification shall consist of the project location, plans, and brief narrative and state that a federal permit is required. Documentation of the notification to the SHPO/THPO shall be included with the SV or PCN submittal and dated. If no response is received within 30-days from the SHPO/THPO notification, the Corps may accept an SV or PCN as submitted. If a project meets the requirements of SV, no further authorization from the Corps is required to proceed with the project. A PCN or IP is required if any activity may have an adverse effect on a historic property or cultural resource.
 - 2) For RICRMC applications: For activities eligible for SV and PCN, applicants must document that the activity will not cause effects as stated in 10(a). To comply with this condition, both SV and PCN applicants shall notify the RI THPO and request their identification of historic properties and cultural resources. The notification shall consist of the project location, plans, and brief narrative and state that a federal permit is required. Documentation of the notification to the THPO shall be included with the SV or PCN submittal and dated. If no response is received within 30-days from the THPO notification, the Corps may accept an SV as submitted. If a project meets the requirements of SV, no further authorization from the Corps is required to proceed with the project. A PCN or IP is required if any activity may have an adverse effect on a historic property or cultural resource.
- c. Applicants must submit a PCN to USACE as soon as possible if the proposed activity may cause effects as stated in 10(a) to ensure that USACE is aware of any potential effects of the permitted activity on any historic property or cultural resource so that the consultation requirements of Section 106 of NHPA can be satisfied. All PCN submittals shall:
- 1) Show notification to the SHPO and THPO for their identification of historic properties or cultural resources. If no response is received within 30-days from the SHPO/THPO notification, the Corps may proceed to a permit decision on a PCN.
 - 2) State which historic properties or cultural resources may be affected by the proposed work or include a vicinity map indicating the location of them, and
 - 3) Include any available documentation from the SHPO or THPO indicating that there are, or are not, historic properties or cultural resources 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.
- e. Federal agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Along with the application, Federal applicants shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements.
- f. Federal and non-federal applicants should coordinate with USACE before conducting any onsite archeological work (reconnaissance, surveys, recovery, etc.) requested by the SHPO or the THPO, as USACE will determine the permit area for the consideration of historic properties based on 33 CFR 325 Appendix C. This is to ensure that work done is in accordance with USACE requirements.

11. Federal Threatened and Endangered Species

- a. No activity is authorized by these GPs which:

- 1) 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 or proposed critical habitat of such species.
 - 2) “May affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
 - 3) Is “likely to adversely affect” a listed species or critical habitat unless Section 7 consultation has been completed by USACE or another lead action agency in coordination with USACE.
 - 4) Violates the ESA.
- b. All applicants shall attach to their SV form or PCN an Official Species List obtained from the U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) found at: <https://ecos.fws.gov/ipac> and provide the email address of the person who generated the list.
 - c. For proposed activities in waters with tidal influence, applicants shall also refer to the National Oceanic and Atmospheric Administration (NOAA) Fisheries’ Section 7 Mapper for federally-listed species found at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html>
 - d. 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, may be affected by the proposed work, unless consultation is completed by another lead Federal agency, in which case, an application can be SV. An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septentrionalis*), and only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation.
 - e. Federal agencies shall follow their own procedures for complying with the requirements of the ESA while ensuring that USACE and any other federal action agencies are included in the consultation process.
 - f. Non-federal representatives designated by USACE to conduct informal consultation or prepare a biological assessment shall follow the requirements in the designation document(s) and the ESA. Non-federal representatives shall also provide USACE with the appropriate documentation to demonstrate compliance with those requirements. The USACE will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary.
 - g. The requirements to comply with Section 7 of the ESA may be satisfied by a programmatic agreement (PA) or programmatic consultation (PC) with USACE, the New England District, or another federal agency. New England District PAs and PCs are found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Rhode-Island-General-Permit/>

12. Pile Removal. Derelict, degraded or abandoned piles and sheet piles in navigable waters, except for those inside of existing work footprints for piers, must be completely removed or cut and/or driven to 3 feet below the substrate 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 method⁴ to minimize turbidity and sedimentation impacts. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, or mudflats.

Descriptions of Pile Removal methods:

- **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.

13. Navigation.

- a. No activity may cause more than a minimal adverse effect on navigation.
- b. Any safety lights and signals prescribed by the U.S. Coast Guard, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.
- c. Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. This is applicable to SV eligible and PCN activities.
- d. 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.
- e. 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 their 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.
- f. A PCN is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A as the work may also require a Section 408 permit.

14. Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following: a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; b) 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; c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; e) damage claims associated with any future modification, suspension, or revocation of this permit.

15. Heavy Equipment in Wetlands. Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall: a) have low ground pressure (typically <6 psi); b) be placed on swamp/construction/timber mats (herein referred to as "construction mats" or "mats") that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or c) 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. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen or dry conditions. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the following construction mat best management practices:

- Mats should be in good condition to ensure proper installation, use and removal.
- Where feasible, place mats in a location that would minimize the amount needed for the wetlands crossing.
- Minimize impacts to wetland areas during installation, use, and removal.
- Install adequate erosion and sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, mats.
- In most cases, mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.

- Provide standard construction mat BMP details to work crews.

16. Temporary Fill

- Temporary fill, construction mats and corduroy roads shall be **entirely** removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows. A PCN is required for: (i) all temporary fill that is in place for >2 years; or (ii) construction mats filling >5000 SF that are in place for: (1) >1 year when installed during the growing period; or (2) any portion of more than one growing period when installed outside the growing period. The growing period is from May 1 to October 1 for the purposes of these GPs. A PCN is required for construction mats that involve underlying fill.
- Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).
- 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. Materials shall be placed 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 appropriate 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.
- Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

17. Soil Erosion and Sediment Controls

- Appropriate soil erosion and sediment controls⁵ (hereinafter referred to as “controls”) must be used and maintained in effective operating condition during construction. All exposed soil and other fills, as well as any work below the OHW mark or HTL, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow, or during low tides.
- Controls in streams should be installed and removed during the same TOY work window when practicable. A PCN is required for controls that encroach: i) >25% of the stream width measured from OHW in non-tidal diadromous streams from March 15 to June 30; or ii) >25% of the waterway width measured from MHW in tidal waters from Feb. 1 to June 30, or >50% of the waterway width measured from MHW in tidal waters from July 1 to Jan. 14. This is to protect upstream fish passage. Proponents must also maintain downstream fish passage throughout the project. These conditions may be modified if specified by the Corps in writing.
- No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands where suspended solids shall be removed prior to discharge back into waters or wetlands. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.
- Controls shall be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized at the earliest practicable

⁵Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), 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, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.

date. Sediment and debris 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, and flows and aquatic life movements are not disrupted.

- e. The material within sandbags shall not be released during their removal and trenches must be backfilled as soon as practicable to reduce turbidity impact duration.

18. Restoration of Inland Wetland Areas

- a. Upon completion of construction, all disturbed wetland areas shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix D in the “New England District Compensatory Mitigation Guidance” found at <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.
- b. The introduction or spread of invasive plant species in disturbed areas shall be controlled. If swamp or timber mats are to be used, they shall be thoroughly cleaned before re-use.
- c. In areas of authorized temporary disturbance, if trees are cut they 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.
- d. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original 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.

19. Coastal Bank Stabilization. Projects involving construction or reconstruction/maintenance of bank stabilization structures within Corps jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. For example, vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. A revetment is sloped and is typically employed to absorb 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 on this topic, go to the Corps Coastal Engineering Manual , located at http://www.publications.usace.army.mil/USACE-Publications/Engineer-Manuals/?udt_43544_param_page=4.

20. Aquatic Life Movements and Management of Water Flows

- a. No activity may 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. All wetland crossings shall 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. 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).

- d. Recommend crossings be designed in accordance with the most recent RIDOT Road-Stream Crossing Design Manual:
https://www.dot.ri.gov/business/documents/Road_Stream_Crossing_Design_Manual_8_2021.pdf

21. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. Applicants may presume that State Water Quality Standards are met with the issuance of a 401 WQC or waiver (Applicable to the Section 404 activity). Note however, that this permit does not cover point source discharges of pollutants like construction dewatering of contaminated water; separate State permits are required for point sources.

22. Spawning, Breeding, and Migratory Areas

- a. Jurisdictional activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities in jurisdictional waters that provide value as 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.
- b. Jurisdictional activities in waters of the U.S. that provide value 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 appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity.

23. Storage of Seasonal Structures. Coastal structures, such as pier sections and floats, that are removed from the waterway for a portion of the year shall be stored in an upland location, located above MHW and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

24. Vernal Pools

- a. On projects requiring a PCN, vernal pools must be identified on the plan showing aquatic resource delineations.
- b. A PCN is required if a discharge of dredged or fill material is proposed in a vernal pool located within Federal jurisdiction.
- c. Adverse impacts to vernal pools should be avoided and minimized to the maximum extent practicable.

25. Invasive Species. The introduction, spread, or the increased risk of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the work shall be avoided.

26. Permit On Site. The permittee shall ensure that any contractor(s) and or workers executing the activities authorized by this PGP(s) have knowledge of the terms and conditions of this authorization and any modification(s), and that a copy of this PGP document and any accompanying verification letter and attached plans are at the site of the authorized work throughout the period(s) of time the work is underway.

27. Inspections. The permittee shall allow the Corps to make periodic inspections at any time to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. The Corps may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work.

28. Maintenance. The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. This does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds in General Permit #7 in Appendix A as well

as any conditions included in a written Corps authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2).

29. Property Rights. These GPs do 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.

30. Transfer of GP Verifications. When the work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions, including any special conditions, will continue to be binding on the entity or individual who received the authorization, as well as the new owner(s) of the property. If the permittee sells the property associated with a GP authorization, the permittee may transfer the GP authorization to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the GP authorization letter must be attached to the letter, and the letter must include the following statement: "The terms and conditions of these general permits, including any special conditions, will continue to be binding on the new owner(s) of the property". This letter should be signed by both the seller and new property owner(s).

31. Modification, Suspension, and Revocation. This permit and any individual authorizations issued thereof may either be modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; and any such action shall not be the basis for any claim for damages against the United States.

32. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council or a Federal resource agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties and/or restoration.

33. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this permit, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the authorization will not be valid, and the U.S. government may institute appropriate legal proceedings.

34. Abandonment. If the permittee decides to abandon the activity authorized under this GP, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

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

36. Duration of Authorization

- a. These GPs expire five years from the date issued as listed at the top of the cover sheet. Activities authorized by these GPs that have either commenced (i.e., are under construction) or are under contract to commence will have an additional year from the expiration date to complete the work. The permittee must be able to document to the Corps satisfaction that the project was under construction or under contract by the expiration date of these GPs. If work is not completed within the one-year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization provided the project meets the terms and conditions of the RI GPs in effect at the time.
- b. Activities authorized under these GPs will remain authorized until the GP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after its expiration date.

APPENDIX C

CONTACTS FOR RHODE ISLAND GENERAL PERMIT:

1. FEDERAL

U.S. Army Corps of Engineers

New England District, Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751
cena-e-ri@usace.army.mil
www.nae.usace.army.mil/missions/regulatory.aspx
(800) 343-4789 or (978) 318-8335
(978) 318-8303 - fax

National Park Service

North Atlantic Region
15 State Street
Boston, Massachusetts 02109
jamie_fosburgh@nps.gov
www.nps.gov/rivers/index.html/
(617) 223-5203
(Wild & Scenic Rivers)

Federal Endangered Species (F&WS):

U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087
maria_tur@fws.gov
www.fws.gov
(603) 223-2541

Federal Endangered Species & EFH (NMFS)

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
christopher.boelke@noaa.gov
www.nmfs.noaa.gov
(978) 281-9102
(978) 281-9301 - fax

U.S. Environmental Protection Agency, Region I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109
sachs.eric@epa.gov
www.epa.gov/owow/wetlands/
(617) 918-2000

2. STATE OF RHODE ISLAND

RI Department of Environmental Management

Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908
Ron.gagnon@dem.ri.gov
www.dem.ri.gov/programs/water
(401) 222-6820(401) 222-3564 (fax)

RI Coastal Resources Management Council

Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879-1900
Cstaff1@crmc.ri.gov
www.crmc.ri.gov
(401) 783-3370
(401) 783-3767 (fax)

3. HISTORIC RESOURCES

Archaeological Information

Rhode Island Historical Preservation & Heritage Commission
150 Benefit Street
Providence, Rhode Island 02908
<http://www.preservation.ri.gov/>
hphc.info@preservation.ri.gov
(401) 222-2678
(401) 222-2968 (fax)

Tribal Historic Preservation Officer

Tribal Historic Preservation Office
Narragansett Tribe

P.O. Box 268
Charlestown, RI 02813
<https://narragansettindiannation.org/>
tashtesook@aol.com
coradot@yahoo.com; coradot@gmail.com
(401) 364-1100
(401) 364-1104 (fax)

APPENDIX D

DEFINITIONS

Artificial Reef: A structure which is constructed or placed in waters for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

Boating facilities: These provide, rent or sell mooring space, such as marinas, boat/yacht clubs, boat yards, dockminiums, town facilities, 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.

Construction mats: Construction, swamp and timber, 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.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or, in limited circumstances, preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

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

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge of dredged material: means any addition of dredged material into U.S. waters. The term includes, without limitation, the addition of dredged material to a specified discharge site located in U.S. waters and the runoff or overflow from a contained land or water disposal area...

The term does not include plowing, cultivating, seeding and harvesting for the production of food, fiber, and forest products. The term does not include de minimis, incidental soil movement occurring during normal dredging operations. (33 CFR 323)

Discharge of fill material: means the addition of fill material into U.S. waters. The term does not include plowing, cultivating, seeding and harvesting for the production of food, fiber, and forest products. The term generally includes, without limitation, the following activities:

- a. placement of fill that is necessary for the construction of any structure in U.S. waters;
- b. building any structure or impoundment requiring rock, sand, dirt, or other material for construction;
- c. site-development fills for recreational, industrial, commercial, residential, and other uses;
- d. causeways or road fills;
- e. dams and dikes;
- f. artificial islands;
- g. property protection or reclamation devices such as riprap, groins, seawalls, breakwaters, revetments;
- h. beach nourishment;
- i. levees;
- j. artificial reefs; and
- k. fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines. (33 CFR 323)

Dredged material: means material that is excavated or dredged from U.S. waters. (33 CFR 323)

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: A stream with flowing water only during, and for a short duration, after precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical or biological characteristics to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Expansions: Work that increases the footprint of fill, depth of basin or drainage feature, structures or floats, or slip capacity.

Fill material: any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste. (33 CFR 323)

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 Corps Federal anchorages, Federal channels and Federal turning basins. Information, including the limits, is provided at <http://www.nae.usace.army.mil/Missions/Navigation.aspx>

FNP Buffer Zone: The buffer zone of a Corps FNP is equal to three times the authorized depth of the FNP. For additional information see <http://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects/>

High Tide Line (HTL): means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds. (33 CFR 328) Refer to the highest predicted tide for the current year at the nearest NOAA tide gage at either Newport or

Providence. <https://tidesandcurrents.noaa.gov/map/index.html?type=active®ion=Rhode%20Island>

Historic Property: any property listed or eligible for listing in the National Register of Historic Places. (33 CFR 325)

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

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

Living Shoreline: A term used to describe a combination of natural materials including plants, shell and rock or rock-like surfaces that are used along an erosive shoreline to dissipate wave energy and collect naturally deposited sediment.

Maintenance:

a. The repair, rehabilitation, or in-kind replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 – “Activities occurring before certain dates,” provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification.

- Minor 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 that are necessary to make repair, rehabilitation, or replacement are authorized.
- Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
- No seaward expansion for bulkheads or any other fill activity is considered SV maintenance.

- Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2).
- b. The state's maintenance provisions may differ from the Corps and may require reporting and written authorization from the state.
 - c. Contact the Corps to determine whether stream crossing replacements require a PCN.
 - d. Exempted Maintenance. In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design."

The following definition is also 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 environmental effects resulting from such repair, rehabilitation, or replacement are minimal.

Navigable waters of the United States: Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Ordinary High Water Mark (OHW): A line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas. (33 CFR 328.3(e))

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

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

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: reestablishment and rehabilitation.

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 an 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).

Shellfish dredging: 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.

Special aquatic sites: These include inland and saltmarsh wetlands, mud flats, vegetated shallows (submerged aquatic vegetation), sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230.3 and listed in 40 CFR 230 Subpart E.

Stream bed: The substrate of the stream channel between the OHW marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the streambed, but outside of the OHW marks, are not considered part of the streambed.

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.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Temporary impacts: Temporary impacts include waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity.

Tide gates: Structures such as duckbills, flap gates, manual and self-regulating tide gates, etc. that regulate or prevent upstream tidal flows.

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, 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.

Vegetated shallows: Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass and widgeon grass (*Rupia maritima*) 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). In most years, VPs 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.

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.

Waters of the United States: Waters of the United States are defined in Title 33 CFR Part 328. These waters include more than navigable waters of the U.S. and are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act. Waters of the U.S. include jurisdictional wetlands.



**US Army Corps
of Engineers**®
New England District

Appendix E: Self-Verification Notification Form

This form is required for all projects in Rhode Island. At least two weeks before work commences, complete all fields (write “none” if applicable) below, send this form, Official Species List (see GC 11), documentation of THPO and SHPO notifications if applicable, site location map, project plans (not required for projects involving the installation of construction mats only) and any State or local approval(s) to:

Regulatory Division, Branch B
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751
or cenae-r-ct@usace.army.mil

State Application Number if available: _____

Permittee: _____
Address, City, State & Zip: _____
Phone and Email: _____

Agent: _____
Address, City, State & Zip: _____
Phone and Email: _____

Contractor: _____
Address, City, State & Zip: _____
Phone and Email: _____

Project Name: _____
Project Location (provide detailed description & locus map): _____
Address, City, State & Zip: _____
Lat. ° N, Long ° (Decimal Degrees): _____
Waterway Name: _____

Estimated Work Dates: Start: _____ Finish: _____

Work will be done under the following GPs (circle all that apply):

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----

Area of Wetland Impacts (SF): Permanent: _____ Temporary: _____

Area of Waterway Impacts (SF): Permanent: _____ Temporary: _____

TOTAL Project Impact (SF): Permanent: _____ Temporary: _____

Describe the specific work that will be undertaken in waters and wetlands: _____

Have the THPO and the SHPO been notified of the proposed work per the procedures in GC 10? If so, attach any responses received to this form.

Yes _____ date contacted _____ No _____

Are there Federally listed endangered/threatened species, other than the northern long-eared bat, present? (see GC 11) Yes _____ No _____

Are SAVs present that can or will be impacted?: Yes _____ No _____

Applicable to GPs:

1	2	4	5	6	7	9	11	14	15	16	19	20
---	---	---	---	---	---	---	----	----	----	----	----	----

Is there unconfined work with impact to diadromous fish?: Yes _____ No _____

Applicable to GPs:

5	6
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Does work comply with the most recent RIDOT Road-Stream Crossing Design Manual:

Yes _____ No _____

Applicable to GP 19.

Will your project include any secondary effects? (Secondary effects include, but are not limited to, non-tidal waters or wetlands drained, flooded, fragmented, or mechanically cleared resulting from a single and complete project. See Appendix D - Definitions.) If YES, describe here:

Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Rhode Island GPs. Your project may proceed under SV upon receipt of applicable state permits unless otherwise notified by USACE.

Permittee Signature: _____ **Date:** _____