



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

45-DAY PUBLIC NOTICE

Date: January 25, 2011

Comment Due Date: March 14, 2011

E-mail: diane.m.ray@usace.army.mil

REISSUANCE OF THE DEPARTMENT OF THE ARMY CONNECTICUT GENERAL PERMIT (GP)

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby proposes to reissue the statewide Connecticut General Permit, pursuant to 33 CFR Part 325.5(c) (3), for minimal-impact activities within waters of the United States within the State of Connecticut and Lands Located within the exterior boundaries of an Indian Reservation. The existing GP expires on May 31, 2011 and we propose to reissue the GP for another five years no later than this date. The reissued GP will continue the expedited review process for activities in Corps jurisdiction under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research and Sanctuaries Act. This public notice is being issued in accordance with 33 CFR 325.3(b) to coordinate reissuance of the GP with Federal resource agencies, state agencies and the public.

General Permits are encouraged under the President's plan as a way to streamline state and Federal regulatory programs. The New England District has already had success with streamlining these programs with the use of GPs throughout New England. Continued utilization of the very successful GP process in place of the nationwide permits (NWP's) will provide benefits to the public, including simplifying the process and expediting decisions while maintaining environmental protection. This GP would authorize activities formerly covered under the NWP program and currently covered under the existing GP. The New England District suspended all NWPs in the six New England states on July 31, 2007.

All GP authorizations would be subject to the applicability requirements, procedures, and conditions contained in the GP documentation. Project eligibility under this GP will fall into two Categories as more fully described in Appendices 1 and 2 of the GP. Individual GP authorizations are not valid until all other required Federal, state and local permits and/or certifications are obtained.

Projects with minimal individual and cumulative effects on the aquatic environment will be approved administratively under this GP. Representatives of the Corps, state agencies and the Federal resource agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Marine Fisheries Service) will continue to review Category 2 activities as outlined within the GP. Projects that do not meet the terms and conditions of the GP, including those that have the potential for more than minimal effects, will require an Individual Permit. The Individual Permit review process is detailed at 33 CFR 325, Processing of Department of the Army Permits. The GP reissuance does not alter the Individual Permit review procedures, or Federal exemptions, which are not necessarily the same as the State of Connecticut's exemptions.

Essential Fish Habitat

In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the Federal fishery management councils (Councils) to designate Essential Fish Habitat (EFH) for all Federally managed fish species. The EFH applies to those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. The EFH designations made by the Councils include all of Connecticut's coastal waters and most estuaries and rivers for up to 61 marine species. Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires that Federal agencies proposing to authorize, fund, or to undertake actions which may adversely effect EFH consult with National Marine Fisheries Service (NMFS) regarding the action. Accordingly, the Corps has and continues to consult with NMFS regarding the actions permitted under the GP. For certain types of actions that will likely result in no more than minimal adverse effects to EFH individually and cumulatively, NMFS has issued a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(f), dated January 17, 2002. The General Concurrence covers EFH consultation requirements for those activities permitted by the Corps, which individually and cumulatively have no more than minimal adverse effects on EFH.

The General Concurrence was drafted to cover most activities that would fall under the Category 2 of the GP. The General Concurrence will cover those Category 2 actions in which NMFS concurs with the Corps determinations that the activity will result in no more than minimal adverse effects to EFH. In cases where NMFS does not concur with the Corps determination, NMFS will notify the Corps during interagency coordination meetings or by other established means that this General Concurrence will not cover a specific Category 2 action. The NMFS will periodically review its findings of General Concurrence and may revise or revoke a General Concurrence if new information indicates that the covered actions are having more than minimal adverse effects on EFH.

Water Quality Certification (WQC) and Coastal Zone Management (CZM) Consistency

The Corps is simultaneously requesting that the Connecticut Department of Environmental Protection (DEP), Inland Water Resources Division, the Connecticut DEP, Long Island Sound (OLISP) and the New York Department of State determine whether to issue, deny or waive WQC and CZM Consistency, respectively. The Connecticut DEP will issue a notice regarding their tentative determination, therefore please send comments regarding WQC/Section 401 to that agency.

Proposed Changes:

We propose the changes and improvements listed on the following pages. The GP consists of the following **Two Sections**:

Section 1 - ACTIVITIES OCCURRING WITHIN INLAND WATERS & WETLANDS – includes text and the Inland Table (Appendix 1) and a Category 1 Certification form (Appendix 1A).

Section 2 - ACTIVITIES OCCURRING WITHIN TIDAL, COASTAL AND NAVIGABLE WATERS – includes text and the Coastal Table (Appendix 2), and Aquaculture Special Conditions (Appendix 3).

The Contact List (Appendix 4) and the General Conditions follow Sections 1 and 2.

Comments

We are seeking public comment in order to properly evaluate the proposed GP in Connecticut. Anyone wishing to comment is encouraged to do so in writing within the comment period specified in this notice. Comments should be submitted to: Ms. Diane M. Ray, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, Massachusetts 01742-2751. If you have any questions, please contact Ms. Ray at (978) 318-8831 or diane.m.ray@usace.army.mil.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.



Robert J. DeSista
Acting Chief, Regulatory Division

1. **SECTION 1 – ACTIVITIES OCCURRING WITHIN INLAND WATERS & WETLANDS**

General Permit Review Categories:

Category 1 – The submission of the attached Category 1 Form (Appendix 1A) to the Corps and CT DEP is required prior to commencement of work authorized by this GP. This form is a self-certification by applicants that their project complies with the terms and conditions of Category 1 of the GP. The Corps and CT DEP will utilize these forms to determine potential cumulative impacts from these activities.

Applying for a Category 2 GP:

The following notes have been added to provide further guidance to applicants/agents:

Applicants must submit all project revisions and modification to the Corps and the CT DEP.

For work proposed within a FEMA floodway/floodplain, it is recommended that applicant apply for and receive a Flood Management Certification, if one is required, before applying to the Corps.

2. **Appendix 1 – Inland Waters and Wetlands, Waters of the U.S., Definition of Categories**

The Table format has been revised in an effort to provide clarity to assist applicants in determining project eligibility under the GP. Page 2 of 9 of the table states which activities are NOT eligible for Category 1 while Pages 3 and 4 of 9 of the table states which activities ARE eligible under Category 1. Page 5 of 9 states which activities are NOT eligible for Category 2 while Pages 6, 7 and 8 state which activities ARE eligible under Category 2.

3. **SECTION 2 – ACTIVITIES OCCURRING WITHIN TIDAL, COASTAL AND NAVIGABLE WATERS**

Activities Covered:

The transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act) has been added to the activities covered by this GP.

Review Process – State and Local Approvals:

The New York Department of State (NYDOS) has been added to the list of required State and Local Approvals. NYDOS will review activities in Connecticut's coastal area involving the placement of fill beyond the 20' depth contour line; ALL projects which involve the discharge of dredged material at any of the Long Island Sound Disposal Sites and ALL projects located in the Byram River for Coastal Zone Management Consistency. See Section 2, Page 2 for further information.

4. **Appendix 2 – Coastal Definition of Categories**

The Table format has been revised to show both Category 1 and Category 2 eligibility criteria on the same page.

E. Pile-Supported Structures and Floats – Category 1 – includes a condition that all floats must be supported at least 18” above the intertidal and shallow subtidal substrate during all tidal cycles.

F. Aquaculture Projects and Fisheries – Category 1 and Category 2 – This category has undergone the most changes and now includes eligibility under Category 1. See sheet 4 of the Table for details and definitions.

Appendix 3 – General Permit – Standard Aquaculture Terms and Conditions - These conditions are newly added and consist of 3 pages. Please see Appendix 3.

5. **GENERAL PERMIT CONDITIONS**

The order of the general permit conditions changed and some of the conditions were either reworded or expanded upon to provide additional guidance and clarification. The following is a brief summary of the proposed changes.

General Condition 3. Minimal Effects has been changed to **Minimal Direct, Secondary and Cumulative Impacts** and expanded to provide additional guidance and clarification.

General Condition 5. Single and Complete Projects. New language is proposed for additional guidance and clarification.

General Condition 8. National Lands. New language is proposed for additional guidance and clarification.

General Condition 11. Wild and Scenic Rivers. Website address provided for additional information and guidance.

General Condition 15. Minimization has been changed to **Avoidance, Minimization and Compensatory Mitigation** and new language is proposed for additional guidance and clarification as well as the inclusion of a website address.

General Condition 26. Protection of Vernal Pools. The following language is proposed to replace the previous general condition:

Wetland boundaries for vernal pools and isolated wetlands on the subject parcel(s) must be delineated in accordance with Federal criteria defined at 33 CFR 328-329. Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in the Definitions of Categories shall be minimized to the maximum extent possible.

General Condition 27. Invasive Species. – The following is a new proposed general condition:

(a) The introduction, spread, or the increased risk of invasion 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 site work is prohibited.

(b) Unless otherwise directed by the Corps, all applications for Category 2 inland projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan (ISCP).

Additional information can be found at: www.hort.uconn.edu/cipwg/

General Condition 28. Work Start Notification Form and Compliance Certification has been changed to **Inspections** and has been reworded for guidance and clarification.

6. CONTACT LIST:

The contact list, Appendix 4, was modified to add and/or update related websites and e-mail addresses.

7. CONNECTICUT ADDENDUM.

The Connecticut Addendum has been revised and is no longer attached to the GP. It can be found at the following CT DEP website:

http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/LandUse_General_Permits%5CInland_Water_General_Permits/CT_addendum_app.pdf,

The addendum contains information necessary to facilitate project review and will help eliminate the need for requests for additional information by the CT DEP as well as aid in faster processing times.

Effective Date: May 31, 2011

Expiration Date: May 31, 2016

Applicant: General Public in the State of Connecticut & Lands Located within the Exterior Boundaries of an Indian Reservation

**DEPARTMENT OF THE ARMY
GENERAL PERMIT**

STATE OF CONNECTICUT

&

**LANDS LOCATED WITHIN THE EXTERIOR
BOUNDARIES OF AN INDIAN RESERVATION¹**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues a General Permit (GP) for activities in waters of the United States (U.S.) that have minimal individual and cumulative impacts on the aquatic environment within the State of Connecticut and lands located within the exterior boundaries of an Indian reservation.

This GP is separated into **Two Sections**, one for activities occurring within Inland Waters and Wetlands and one for activities occurring within Tidal, Coastal and Navigable Waters.

In order for activities to qualify for this GP, they must meet the GP's terms and eligibility criteria, stipulations listed in the Definition of Categories (Appendices 1 and 2) as well as the GP's general conditions.

¹ Indian reservation lands are considered a sovereign nation, and are therefore acknowledged separately from the State of Connecticut for purposes of this GP.

SECTION 1
ACTIVITIES OCCURRING WITHIN INLAND WATERS & WETLANDS

I. ACTIVITIES COVERED:

The discharge of dredged or fill material into waters of the U.S.², which is regulated by the Corps under Section 404 of the Clean Water Act (CWA)²

II. REVIEW PROCESS:

1. State and Local Approvals:

In order for authorizations under this GP 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 approvals as well as any local approvals (see General Condition 1):

Inland Wetlands and Watercourses Permit under the Inland Wetlands and Watercourses Act (Connecticut General Statutes (CGS) Sections 22a-36 to 22a-45(a), inclusive)

Water Diversion Permit under the Connecticut Water Diversion Policy Act (CGS Sections 22a-365 to 22a-378(a), inclusive)

Stream Channel Encroachment Lines Permit (CGS Sections 22a-342 to 22a-349(a), inclusive)

Dam Safety Construction Permit (CGS Sections 22a-401 to 22a-411, inclusive)

Water Quality Certification (WQC) under Section 401 of the Federal CWA (33 USC Sec. 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 (CT DEP) or U. S. EPA for Indian reservation lands to discharge dredged or fill material into waters of the U.S.

Flood Management Certification (CGS Sections 25-68b through 25-68h)

The Connecticut Department of Environmental Protection, Inland Water Resources Division (CT DEP IWRD) has conditionally granted WQC for Category 1 activities in inland wetlands and waterways provided those activities meet the criteria as contained in the attached definition of categories.

The U.S. EPA granted WQC for Category 1 activities located on land within the exterior boundaries of an Indian Reservation.

The CT DEP, IWRD conditionally granted WQC for Category 2 activities in inland wetlands and waterways provided those activities are determined eligible under the criteria as contained in the attached definition of categories by the Corps, CT DEP, IWRD and Federal resource agencies, and that applicants obtain other required authorizations as listed above.

²Defined at 33 CFR 328

2. General Permit Review Categories:

a. Category 1 – An application to the Corps is NOT required. However, submittal of the attached Category 1 Form at Appendix 1A to the Corps and CT DEP, IWRD is required prior to commencement of work authorized by this GP.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meeting the following criteria are eligible under Category 1 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 1 in the attached Definition of Categories, Appendix 1, and
- meet the General Conditions of the GP

Project proponents seeking Category 1 authorizations must comply with this GP's General Conditions and other federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts such as the Connecticut Commission on Culture and Tourism and any appropriate Indian tribes is recommended when there is a high likelihood of the presence of resources of concern.

Projects not eligible under Category 1 of this GP may be screened under Category 2 provided they meet the criteria as defined in the attached Definition of Categories for Category 2 activities.

b. Category 2 – An application to the Corps is required.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meet the following criteria are eligible under Category 2 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 2 in the attached Definition of Categories, Appendix 1, and
- meet the General Conditions of the GP

3. Applying for a Category 2 permit:

A Corps application form (ENG Form 4345) is required for Category 2 activities and can be found on our website: www.nae.usace.army.mil/reg under Forms. Applicants must submit the following to the Corps:

- 2 copies of the application form,
- One set of 8.5" x 11" drawings and one large-scale drawing,
- 2 copies of the functions and values assessment and Federal wetland delineation documentation,
- one copy of the CT DEP addendum found at: http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/LandUse_General_Permits%5CInland_Water_General_Permits/CT_addendum_app.pdf,
- one copy of any correspondence with the Connecticut Commission on Culture and Tourism and THPO indicating coordination with these entities,
- an Invasive Species Control Plan (See **General Condition 27**), and
- a plan describing any proposed mitigation.

Applicants must concurrently submit three copies of the following to the CT DEP at the address below:

- the Corps application form,
- 8.5" x 11" drawings, large scale drawings;
- wetlands functions and values assessment,
- Federal wetlands delineation documentation (data sheets),
- CT DEP addendum, and
- A plan describing any proposed mitigation.

**State of Connecticut
Department of Environmental Protection
Central Permit Processing Unit
79 Elm Street
Hartford, CT 06106-5127**

NOTE: Applicants must submit all project revisions and modifications to both agencies.

The Corps will coordinate review of all Category 2 activities with federal and state agencies to ensure that the proposed activity results in no more than a minimal impact to the aquatic environment. To be eligible and subsequently authorized, an activity must meet the criteria listed above and result in no more than minimal impacts to the aquatic environment as determined by the Corps in conjunction with the interagency review team which consists of federal and state resource agencies. 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.

NOTE: For work proposed within a FEMA floodway/floodplain, it is recommended that applicants apply for and receive a Flood Management Certification, if one is required, before applying to the Corps.

Written approval for Category 2 activities from the Corps is required before work can commence.

Emergency Situation Procedures: 33 CFR 325.2(3) (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." The Corps will work with all applicable agencies to expedite authorization in emergency situations.

Individual Permit Procedures: Work that is **NOT** eligible under Category 2 as defined in the attached Definition of Categories, or that does not meet the terms and conditions of this GP, will require review under the Corps Individual Permit procedures (see 33 CFR Part 325.1). The applicant shall submit the appropriate application materials (including the Corps application form) to the Corps of Engineers. General information and application forms can be obtained at the Corps web site noted on Page 3. An individual water quality certification is required from the CT DEP, IWRD before Corps' permit issuance. **The application form and instructions for Section 401 Water Quality Certification are available from the Connecticut DEP web site at <http://www.ct.gov/dep/>.**

APPENDIX 1

INLAND WATERS AND WETLANDS

WATERS OF THE U.S. ⁽¹⁾⁽²⁾

DEFINITION OF CATEGORIES

Inland Waters and Wetlands: Waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds and wetlands, not including Section 10 Navigable Waters of the United States. ⁽¹⁾⁽²⁾ **See Note below.**

Waters of the United States: Inland rivers, streams, brooks, lakes, ponds and wetlands. [Refer to Title 33 CFR 328 and Section 1362 Federal Clean Water Act. ⁽¹⁾⁽²⁾

The jurisdictional limits are the ordinary high water (OHW) mark in the absence of adjacent wetlands, beyond the OHW mark to the limit of adjacent wetlands when adjacent wetlands are present, and the wetland limit when only wetlands are present.

Navigable Waters: Waters that are subject to the ebb and flow of the tide, and Federally designated navigable waters which in Connecticut includes, but is not limited to, the Connecticut River and its tidally influenced tributaries to the Massachusetts state line, the Housatonic River and its tidally influenced tributaries up to Shelton/Derby, the Thames/Shetucket River and its tidally influenced tributaries to Norwich, and the Quinnipiac River to North Haven. [Refer to Title 33 CFR Part 329 and Section 1362 Federal Clean Water Act]

Note: For the purposes of this GP, fill placed in the area below the high tide line (HTL), and in wetlands that border and are contiguous to tidal waters, are reviewed in the Tidal, Coastal and Navigable Waters section. (See Coastal Definition of Categories)

Activities must be conducted consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin 34) and the 2004 Connecticut Stormwater Quality Manual or subsequent revisions.

See the Page 9 for footnote definitions.

The following Activities are NOT eligible for authorization under Category 1:

Piping, boxing, enclosing or covering of inland waters for other than a driveway or roadway crossing.

Projects with direct or secondary impact(s) to:

- Special Wetlands⁽³⁾
- Threatened, Endangered, or Special Concern Species ⁽⁴⁾ <http://www.dep.state.ct.us/>
- Significant Natural Communities ⁽⁴⁾ identified by the CT Natural Diversity Database <http://www.dep.state.ct.us/>

Projects requiring a Corps permit with associated construction activities within 100 feet of Special Wetlands⁽³⁾.

Projects with fill placed within a FEMA established floodway <http://msc.fema.gov> , unless the applicant has a State of Connecticut Flood Management Certification for the project pursuant to section 25-68d of the Connecticut General Statutes.

Projects with fill placed within a FEMA established floodplain that would adversely affect the hydraulic characteristics of the floodplain.⁽⁶⁾

Projects with detention or retention of stormwater in inland waters or wetlands including:

- Watercourse or wetland crossing that by design or default functions to provide stormwater detention,
- Retention or detention of stormwater in inland waters or wetlands, or
- Construction of stormwater detention or retention basin in inland waters or wetlands.

Projects occurring in a segment of a National Wild and Scenic River System or within 0.25 mile upstream or downstream of the main stem or tributaries of a National Wild and Scenic River System segment. <http://www.nps.gov/rivers/>

Channeling or relocating inland waters.

Unconfined in-stream work, including construction, installation or removal of sheet pile cofferdam structures, conducted during the period October 1 through May 31.

The following activities ARE eligible under CATEGORY 1:

1. A. NEW FILL AND/OR FILL ASSOCIATED WITH EXCAVATION

Less than 5,000 square feet (s.f.) of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project, see **General Condition 5**.

Secondary impacts include but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

UTILITY LINE RIGHT-OF-WAY CROSSINGS. These must be constructed as follows:

- When trenching, the uppermost 12 inches of the trench is backfilled to the original grade with native soil or streambed material, as appropriate, of the same nature, type and characteristics as the adjacent soil or streambed material, and
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the CT Invasive Plants Council to be invasive or potentially invasive.
http://nbii-nin.ciesin.columbia.edu/ipane/ctcouncil/CT_invasive.htm

STREAM, RIVER, BROOK CROSSINGS. The following are required for driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING USING A BRIDGE OR OPEN-BOTTOM STRUCTURE MUST:**
 - Spans at least 1.2 times the watercourse bank full width,
 - Has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters, and
 - Allows for continuous flow of the 50-year frequency storm flows
- **CROSSING USING A CULVERT PROVIDED:**
 - The tributary watershed to the culvert does not exceed 1.0 sq. mile (640 acres),
 - The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
 - For a crossing constructed using a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the streambed elevation,
 - For a crossing constructed using **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set not less than 12 inches below the elevation of the streambed,
 - For a crossing constructed using a **pipe culvert**, the inverts are set such that not less than 25% of the pipe diameter or 12 inches, whichever is less, is set below the streambed elevation,
 - The culvert is backfilled with natural substrate material matching upstream and downstream streambed substrate,
 - The structure does not otherwise impede the passage of fish and other aquatic organisms, and
 - The structure allows for continuous flow of the 50-year frequency storm flows

1. B. STREAM BANK STABILIZATION

LIMITATIONS:

- Bank stabilization not to exceed 100 feet in length
- Fill not to exceed an average of 1 cubic yard of per linear foot below ordinary high water
- No fill within the streambed beyond the toe of slope of the stream bank, and
- Work limited to the period June 1 through September 30

NOTE: Length is defined as the sum of the lengths of bank stabilization work along each bank of the inland water.

1. C. REPAIR AND MAINTENANCE OF EXISTING AUTHORIZED OR GRANDFATHERED FILL

Less than 5,000 s.f. of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project, see General Condition 5.

Secondary impacts include but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

REPAIR OR MAINTENANCE OF EXISTING, CURRENTLY SERVICEABLE, AUTHORIZED, GRANFATHERED FILLS:

- No change in use.
- Conditions of the original authorization apply.

REPLACEMENT OF EXISTING DRIVEWAY CROSSINGS USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:

- Span at least 1.2 times the watercourse bank full width,
- Has an openness ratio ⁽⁵⁾ equal to or greater than 0.25 meters,
- Allows for continuous flow of the 50-year frequency storm flows
- Does not result in a change in the normal water surface elevation of the upstream waters or wetland.

REPLACEMENT OF EXISTING ROADWAY CROSSING USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:

- Spans at least 1.2 times the watercourse bank full width,
- Has an openness ratio ⁽⁵⁾ equal to or greater than 0.25 meters,
- Allows for continuous flow of the 50-year frequency storm flows
- Does not result in a change in the normal water surface elevation of the upstream waters or wetland.
- Has a riparian bank on one or both sides for wildlife passage,

REPLACEMENT OF AN EXISTING DRIVEWAY OR ROADWAY CROSSING USING A CULVERT:

- The tributary watershed to the culvert does not exceed 1.0 square mile (640 acres),
- The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
- For a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the streambed,
- For **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set not less than 12 inches below the elevation of the streambed,
- For a **pipe culvert**, the inverts are set such that not less than 25% of the pipe diameter or 12 inches, whichever is less, is set below the elevation of the streambed,
- The culvert is backfilled with natural substrate material matching upstream and downstream streambed substrate,
- The structure does not otherwise impede the passage of fish and other aquatic organisms, and
- The structure allows for continuous flow of the 50-year frequency storm flows

REPLACEMENT OF A UTILITY LINE WITHIN AN EXISTING RIGHT-OF-WAY CROSSING:

- No horizontal expansion or impacts beyond previously cleared areas,
- No open trench excavation w/in flowing waters w/out management techniques as stated in Special Condition 21 (c)
- When trenching, the uppermost 12 inches of the trench is backfilled with native soil or streambed material, as appropriate, of the same nature, type and characteristics as the adjacent soil or streambed material,
- There are no endangered, threatened or special concern species that would be adversely impacted (CT Natural Diversity Database)
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the CT Invasive Plants Council to be invasive or potentially invasive.
http://nbii-nin.ciesin.columbia.edu/ipane/ctcouncil/CT_invasive.htm

DAM AND FLOOD CONTROL LEVEE REPAIR

- No change in the permanent water surface elevation of the impoundment.
- Drawdown of impoundment for construction not to exceed 18 months.

The following Activities are NOT eligible for authorization under CATEGORY 2:

Piping, boxing, or other enclosing or covering of inland waters for other than a driveway or roadway crossing.

Projects with fill placed within a FEMA established floodplain that would adversely affect the hydraulic characteristics of the floodplain.⁽⁶⁾

Detention or retention of stormwater in inland waters or wetlands including:

- Watercourse or wetland crossing that by design or default functions to provide stormwater detention,
- Retention or detention of stormwater in inland waters or wetlands, or
- Construction of stormwater detention or retention basin in inland waters or wetlands.

The following activities ARE eligible under CATEGORY 2:

2. A. NEW FILL AND/OR FILL ASSOCIATED WITH EXCAVATION

5,000 s.f. to less than 1 acre of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project.

Secondary impacts include, but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

UTILITY LINE RIGHT-OF-WAY CROSSING:

- The uppermost 12 inches of the trench is backfilled with native soil or streambed material, as appropriate, consistent with the adjacent soil or streambed material, and
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the Connecticut Invasive Plants Council to be invasive or potentially invasive.
http://invasives.eeb.uconn.edu/ipane/ctcouncil/CT_Invasive_Plant_List.htm
- Temporary mats are not counted towards the 1 acre threshold provided they are adequately cleaned after previous use, removed immediately after completion of construction, and disposed of at an upland site.

STREAM, RIVER, BROOK CROSSINGS. The following are required for driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING CONSTRUCTED USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:**
 - Allows for the continuous flow of the 50-year frequency storm flows
 - Spans at least 1.2 times the watercourse bank full width, and
 - Has an openness ratio⁽⁵⁾ greater than or equal to 0.25 meters.
- **CROSSING CONSTRUCTED USING A CULVERT:**
 - The use of a bridge or open-bottom structure is determined to be not practicable,
 - For a crossing constructed with a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set at least 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with a **pipe culvert**, the inverts are set such that not less than diameter of the pipe or 12 inches, whichever is less, is set below the elevation of the natural stream bed,
 - The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
 - The culvert is backfilled with natural substrate material matching upstream and downstream substrate,
 - The culvert has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters
 - The structure does not result in a change in the normal water surface elevation of the upstream waters or wetlands, and
 - The structure allows for continuous flow of the 50-year frequency storm flows
 - There is no practicable alternative location for the crossing that would have less environmental impacts.

NOTE: In instances where it is determined by the agencies that it is not practicable to construct a crossing consistent with the standards, the crossing may be authorized as a Category 2 project provided that the crossing is constructed in a manner that minimizes impediments to fish and aquatic life passage to the greatest extent practicable. A mere showing of expense will not necessarily determine that compliance with the standards is not practicable. Documentation should be submitted with the Category 2 application package.

2. B. BANK STABILIZATION

LIMITATIONS:

- Bank stabilization not to exceed 200 feet in length
- Fill not to exceed an average of 1 cubic yard of per linear foot below ordinary high water
- No fill within the streambed beyond the toe of slope of the stream bank, and
- Work limited to the period June 1 through September 30

NOTE: Length is defined as the sum of the lengths of bank stabilization work along each bank of the inland water.

2. C. REPAIR & MAINTENANCE OF EXISTING AUTHORIZED OR GRANDFATHERED FILL

Replacement of Non-Serviceable Fills, or Repair or Maintenance of Serviceable Fills with horizontal expansion of less than 1 acre or with a change in use.

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

REPLACEMENT OF EXISTING STREAM, RIVER, BROOK CROSSINGS. The following are required for the replacement of existing driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING RECONSTRUCTED USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:**
 - Allows for the continuous flow of the 50-year frequency storm flows
 - Spans at least 1.2 times the watercourse bank full width, and
 - Has an openness ratio⁽⁵⁾ greater than or equal to 0.25 meters.
- **CROSSING RECONSTRUCTED USING A CULVERT:**
 - The use of a bridge or open-bottom structure is determined to be not practicable,
 - For a crossing constructed with a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set at least 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with a **pipe culvert**, the inverts are set such that not less than diameter of the pipe or 12 inches, whichever is less, is set below the elevation of the natural stream bed,
 - The culvert is backfilled with natural substrate material matching upstream and downstream substrate,
 - The culvert has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters
 - The structure does not result in a change in the normal water surface elevation of the upstream waters or wetlands, and
 - The structure allows for continuous flow of the 50-year frequency storm flows
- **UTILITY LINE RIGHT-OF-WAY CROSSING:**

Temporary mats are not counted towards the 1 acre threshold provided they are adequately cleaned after previous use, removed immediately after completion of construction ,and disposed of at an upland site

NOTE: In instances where it is determined by the agencies that it is not practicable to construct a crossing consistent with the standards, the crossing may be authorized as a Category 2 project provided that the crossing is constructed in a manner that minimizes impediments to fish and aquatic life passage to the greatest extent practicable. A mere showing of expense will not necessarily determine that compliance with the standards is not practicable. Documentation should be submitted with the Category 2 application package.

2. D. WETLAND OR STREAM RESTORATION OR ENHANCEMENT

Such projects with any amount of impact may be screened for eligibility under Category 2. The Corps, in concurrence with State and Federal agencies, must determine that net adverse effects are minimal.

2. E. POND OR LAKE RESTORATION OR ENHANCEMENT

Such projects with any amount of impact may be screened for eligibility under Category 2. The Corps, in concurrence with State and Federal agencies, must determine that net adverse effects are minimal.

LIMITATIONS:

- There is no horizontal expansion of the pond or lake,
- Excavation is limited to restoring the pond or lake basin to its original contours through the removal of accumulated material,
- Excavated material is disposed outside of inland waters, wetlands and floodplains,
- The area being dredged is physically isolated from adjoining areas of flowing water during construction,
- Best management practices are employed to avoid creating erosion, sedimentation or water quality degradation during excavation and during any period of dewatering and refilling,
- Adequate littoral zones and cover are maintained to provide habitat suitable for supporting fish and other aquatic life during construction, and following completion of the project
- During the period of pond or lake refilling, continual downstream flow is maintained consistent with the requirements under Water Diversion Regulations, Section 22a-377(b)-1(b) of the Regulations of Connecticut State Agencies.

DEFINITIONS

- (1) **Waters of the U. S.:** Inland rivers, streams, brooks, lakes, ponds and wetlands. [Refer to Title 33 CFR 328 and Section 1362 Federal Clean Water Act], including navigable waters.
- (2) **Navigable Waters:** Waters that are subject to the ebb and flow of the tide, and Federally designated navigable waters which in Connecticut includes the Connecticut River to the Massachusetts state line. [Refer to Title 33 CFR Part 329 and Section 1362 Federal Clean Water Act]
- (3) **Special Wetlands:** Include vernal pools, bogs, fens, cedar swamps, spruce swamps, calcareous seepage swamps, and wetlands that provide habitat for threatened or endangered species or species of special concern as designated by the State of Connecticut Natural Diversity Database. The following definitions for bogs, calcareous seepage wetlands, cedar swamps, fens, spruce swamps, and vernal pools apply for the purposes of this GP:
- Bog:** a peat accumulating wetland dominated by sphagnum moss. Typical plant species include sphagnum moss, leatherleaf, black spruce, pitcher plant and sundew.
- Calcareous Seepage Swamp:** a forested wetland characterized by the discharge of groundwater with a chemistry influenced by an underlying limestone geology.
- Cedar Swamp:** a forested wetland characterized by the presence of Northern White Cedar or Atlantic White Cedar.
- Fen:** a peat accumulating wetland dominated by sedges and/or ericaceous shrubs. Typical plant species include low sedges, ericaceous shrubs, sphagnum and other mosses.
- Spruce Swamp:** a forested wetland characterized by the presence of Red or Black Spruce.
- Vernal Pool:** an often temporary body of water occurring in a shallow depression of natural or human origin that fills during spring rains and snow melt and typically dries up during summer months. Vernal pools support populations of species specially adapted to reproducing in these habitats. Such species may include wood frogs, mole salamanders (*Ambystoma* sp.), fairy shrimp, fingernail clams, and other amphibians, reptiles and invertebrates. Vernal pools lack breeding populations of fish. **(NOTE: The Corps will determine on a case-by-case basis which vernal pools are within their jurisdiction. When Corps jurisdiction over a project has been established, impacts to vernal pools from project activities will be considered. All vernal pools are subject to the jurisdiction of the Connecticut Department of Environmental Protection under Connecticut Water Quality Standards.)**
- (4) **Threatened, Endangered or Special Concern Species; Significant Natural Communities:** Species listed by CT DEP pursuant to Chapter 495 of the Connecticut General Statute as threatened or endangered species or species of special concern. Known locations of threatened and endangered species and species of special concern, and significant natural communities are identified on maps entitled "State and Federal Listed Species and Significant Natural Communities", as amended. These maps are available at city or town clerk offices and in the CT DEP File Room located on the store level of 79 Elm Street, Hartford. <http://www.ct.gov/dep/>
- (5) **Openness Ratio:** The cross-sectional area (in square meters) of the opening of a structure divided by the length (measured in meters) of the structure. For a box culvert, openness ratio = (height x width)/length (measured in meters). The imbedded portion of the culvert is not included in the cross-sectional area used for calculating the openness ratio.
- (6) **Adverse Affect to Hydraulic Characteristics:** An adverse affect to hydraulic characteristics includes an increase in flood water surface elevation, an increase in flood flow velocity or a restriction of flood flow conveyance in a manner that would impact upstream, downstream or adjacent property.



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

Appendix 1A: Category 1 Form
(for all Inland Projects in Connecticut)

Submit this **before** work commences to the following addresses:

U.S. Army Corps of Engineers, Permits & Enforcement Branch B (CT),
696 Virginia Road, Concord, MA 01742-2751

CT Dept. of Environmental Protection, Inland Water Resources Division, 79
Elm Street, Hartford, CT 06106-5127

Permittee Name & Address: _____

Phone number & Email address: _____

Work Location/Address: _____

Latitude/Longitude coordinates: _____

Waterway name: _____

Contractor Name & Address: _____

Phone number & Email address: _____

Proposed Work Dates: Start: _____ Finish: _____

Work will be done within Inland Waters and Wetlands under the following categories (check all that apply):

_____ 1.A. New Fill and/or Excavation Discharges

_____ 1.B. Stream Bank Stabilization

_____ 1.C. Repair & Maintenance of Existing Authorized or Grandfathered Fill.

◆ Wetland impact: _____ square feet (sf) ◆ Waterway impact: _____sf and/or _____ linear feet

◆ Project purpose: _____

(Secondary Impacts Assessment): ◆ Channels, relocates, encloses or detains flow permanently? Y / N

◆ Area within the project development boundary will exceed 5 acres? Y / N - _____ acre(s)

◆ Is there tree cutting in wetlands, and/or dewatering of open water areas? Y / N - _____ sf.

◆ The increase in impervious surface over existing condition is _____ sf or _____ acre.

◆ Percentage of development boundary with impervious surfaces following construction is _____ %.

◆ Is the site within 1-mile of & upstream in the watershed of an impaired water? ¹ Y/N _____ mi

◆ Is there a CT DEP Natural Diversity Database record within 500 feet of the site? ² Y/N _____ ft

◆ Is the work area within 750 feet of a known or suspected vernal pool? Y / N - _____ ft

Will American Recovery & Reinvestment Act funds be used for any of this project? Y / N

Your signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and conditions of Category 1 of this Connecticut General Permit.

Permittee Signature: _____ **Date:** _____

1 Impaired Waters - http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.control?p_state=CT

2 CT DEP NDDDB <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>

Section 2:

ACTIVITIES OCCURRING WITHIN TIDAL, COASTAL AND NAVIGABLE WATERS

I. ACTIVITIES COVERED:

- Work and structures that are located in, under or over any navigable water of the U.S.¹ that affect the course, location, condition, or capacity of such waters; or the excavating from or depositing of material in such 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.², which is regulated by the Corps under Section 404 of the Clean Water Act (CWA)
- The transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act).

II. REVIEW PROCESS:

1. State and Local Approvals:

In order for authorizations under this GP 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):

Tidal Wetlands Permit under the Tidal Wetlands Act (CGS Sections 22a-28 to 22a-35a inclusive)

Certificate of Permission (CGS Section 22a-363b)

Long Island Sound General Permits (CGS Sections 22a-28 to 22a-35 and Sections 22a-359 to 22a-363f inclusive)

Approvals for marine-based aquaculture activities required by Connecticut General Statutes Section 22-11h implemented by the CT Department of Agriculture (DOA) including individual in-water structures used for aquaculture, including, but not limited to, racks, cages, or bags, as well as buoys marking such structures.

Water Quality Certification (WQC) Issuance or waiver under Section 401 of the Federal CWA (33 USC Sec. 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 (CT DEP) or EPA for Indian reservation lands to discharge dredged or fill material into waters of the U.S.

¹ Defined at 33 CFR 329

² Defined at 33 CFR 328

(State and Local Approvals continued):

Coastal Zone Management Consistency (CZM) - Concurrence under Section 307 of the Federal CZM Act of 1972, as amended. Section 307(c) of the CZM of 1972, as amended, requires applicants to obtain a certification or waiver from CT DEP that the activity complies with the state's CZM program for activities affecting a state's Coastal Area.³ Activities in Connecticut's coastal area involving the placement of fill beyond the 20' depth contour line; **ALL** projects which involve the discharge of dredged material at any of the Long Island Sound Disposal Sites and **ALL** projects located in the Byram River are required to submit a certification that the proposed activity is consistent with all applicable state coastal policies. Applicant must coordinate with New York Department of State. Additional information can be found at their website http://www.nyswaterfronts.com/consistency_federal.asp.

2. Corps Authorizations - The two GP review categories are listed below:

a. Category 1 – No application/notification is required to be submitted to the Corps by the applicant. However, OLISP will forward copies of application packages and OLISP approvals to the Corps on a weekly basis. If the Corps determines that a project meets Category 1, the Corps will forward verification of eligibility to the applicant.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation may proceed without application or notification to the Corps if they:

- are subject to Corps jurisdiction
- meet the definition of Category 1 in Appendix 2 – Coastal Definition of Categories, and
- meet the General Conditions of the GP

Note: Activities subject to Corps jurisdiction that are NOT regulated by the CT DEP (Office of Long Island Sound Programs) will be subject to the Category 2 screening requirements of this GP.

Project proponents seeking eligibility under Category 1 must comply with the GP Conditions and other federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts such as the Connecticut Commission on Culture and Tourism and any appropriate Indian tribes is recommended when there is a likelihood of the presence of resources of concern.

Projects not eligible under Category 1 of this GP may be screened under Category 2 provided they meet the Category 2 criteria.

³The state's Coastal Area is statutorily defined as: all lands and waters within the municipalities of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport, Stratford, Shelton, Milford, Borough of Woodmont, Orange, West Haven, New Haven, Hamden, North Haven, East Haven, Branford, Guilford, Madison, Clinton, Westbrook, Deep River, Chester, Essex, Borough of Fenwick, Old Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London, Montville, Norwich, Preston, Ledyard, Groton (city, Town and Long Point Borough), Mystic and Stonington (Town & Borough) [Section 22a-94(a) CGS].

b. Category 2 (Reporting – Requiring Review/Written Authorization)

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meet the following criteria **require written approval from the Corps:**

- are subject to Corps jurisdiction,
- meet the definition of Category 2 in Appendix 2 – Coastal Definition of Categories, and
- meet the General Conditions of this GP

3. Applying for a Category 2 permit:

a. CT DEP, OLISP regulated activities

Structures and Dredging Permit Applications: Applicants/agents must submit a copy of the OLISP pre-application questionnaire and plans to the Corps who will coordinate the project with the interagency review team.

Dredging Projects: Applicants/agents must submit requests for sampling plans to the DEP, OLISP and the Corps simultaneously.

COPs/GPs/Time Extensions/Modifications: OLISP will forward copies of application packages and approvals to the Corps on a weekly basis. If a project is determined to meet Category 2 and is complete, the Corps will coordinate these projects with the interagency review team. If the Corps determines that an Individual permit or additional information is required, the Corps will coordinate directly with the applicant/agent. Requests for time extensions should be sent to both OLISP and the Corps.

b. Aquaculture activities regulated by the Department of Agriculture

This refers to marine- and land-based aquaculture activities, including associated structures regulated by the Connecticut Department of Agriculture, Connecticut General Statutes Section 22-11h.

Applicants should apply directly to the Connecticut Department of Agriculture, Bureau of Aquaculture (DOA BA) using the Joint Application for Aquaculture form found at: http://www.nae.usace.army.mil/reg/Permits/CT_AquacultureApplication.pdf . The DOA BA will forward a copy of the aquaculture application package to the Corps, the State of Connecticut Department of Environmental Protection's (CT DEP) Boating Division, Marine Fisheries Division, Office of Long Island Sound Programs (OLISP), and CT DEP, Inland Water Resources Division (IWRD) for activities impacting inland waters.

These application packages for marine-based activities will be screened by the Corps, the Federal resource agencies, and the CT DEP, OLISP with input from the CT DEP Boating and Marine Fisheries Divisions. Screening will initiate review of the application by the CT DEP OLISP for Coastal Zone Management consistency concurrence. The CT DEP OLISP will make a determination on the completeness of the application for CZM consistency review and/or the eligibility of the activity for state aquaculture permit exemption within 30 days from the date of the screening meeting.

4. Review Procedures:

The Corps will coordinate review of all Category 2 activities with federal and state agencies (interagency review team), as necessary. To be eligible and subsequently authorized, an activity must meet the criteria listed above and result in no more than minimal impacts to the aquatic environment as determined by the Corps in conjunction with the interagency review team. 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. Applicants are responsible for applying for the appropriate state and local approvals. This GP is not valid until all required CT DEP, OLISP authorizations are granted.

Emergency Situation Procedures: 33 CFR 325.2(3e)(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.” The Corps will work with all applicable agencies to expedite authorization in emergency situations.

Individual/Standard Permit Procedures: Work that is not eligible under Category 2 as defined in the Definition of Categories, or that does not meet the terms and conditions of this GP, will require the submission of an application to the Corps for an Individual Permit (see 33 CFR Part 325.1). The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at our website at <http://www.nae.usace.army.mil/reg/Forms/Application.pdf> or by calling us. Individual WQC and CZM consistency concurrence are required, when applicable, from the State of Connecticut before Corps issuance of an individual permit. The Corps encourages applicants to concurrently apply for a Corps Individual Permit and state permits.

APPENDIX 2

<p style="text-align: center;">COASTAL DEFINITION OF CATEGORIES</p> <p>Waters that are subject to the ebb and flow of the tide, and Federally designated navigable rivers which in Connecticut includes the Connecticut River to the Massachusetts state line. [Refer to Title 33 CFR Part 329 and Section 1362 Federal Clean Water Act.] The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water (OHW) mark in non-tidal portions of the Federally designated navigable river (Connecticut River). For the purposes of this GP, fill placed below the high tide line (HTL), and in adjacent wetlands to tidal waters are also reviewed under this Navigable Waters section.</p> <p><i>*A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (MHW in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary high water mark and above the normal hydrologic influence of their adjacent waterbody.</i></p>	
<p>CATEGORY 1 - Activities Eligible for Authorization</p>	<p>CATEGORY 2 - Activities Eligible for Authorization</p>
<p>A. FILL/EXCAVATION Fill area includes all temporary and permanent wetland/ waterway fills.</p> <p>No provisions for new or previously unauthorized fills in Category 1, other than discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard authorizes such discharges as part of the bridge permit or appropriate approval. Causeways and approach fills are not included in this category and require Category 2 or Individual Permit authorization.</p> <p><i>No fill in the main stem of the Connecticut River</i> <i>No permanent fill or excavation in Special Aquatic Sites (SAS) which include wetlands (inland and salt marsh), mud flats, vegetated shallows (permanently inundated areas that support rooted aquatic vegetation such as eel grass, celery grass, and tape grass), coral reefs, and riffle and pool complexes. [Refer to 40 CFR Part 230 Subpart E]</i> <i>No fill within 200' of Federal Navigation Project (FNPs) limits. FNPs are defined on Page 2 of this Appendix.</i></p>	<p><1 acre waterway/wetland fill and/or excavation including secondary waterway impacts (e.g., areas drained, flooded, fragmented or mechanically cleared or degraded).</p> <p><i>There are no areal limits to Integrated Marsh Management (including open marsh management) or wetland restoration projects, provided that impacts to the aquatic resources are minimal and there is a preplanning component to the project that includes review, representation and approval from all federal and state agencies on the screening committee.</i></p> <p><i>There are no areal limits to beach nourishment projects with compatible grain size.</i></p>
<p>B. REPAIR AND MAINTENANCE WORK</p> <p>Repair, replacement in kind or maintenance of existing, currently serviceable, grandfathered* or authorized fills and structures provided:</p> <ul style="list-style-type: none"> • No expansion or change in use • Must be rebuilt in same footprint, however, minor deviations in structure design allowed. <p><i>*Grandfather dates include work performed and structures installed before 1968 & fill placed before 1975 for Corps purposes only.</i></p>	<p>Repair/maintenance of any non-serviceable structures or fill or repair/maintenance of serviceable structures or fills with expansion up to one acre or change in use.</p> <p>Includes retention of previously unauthorized structures or fill.</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>C. DREDGING/ EXCAVATION AND ASSOCIATED DISPOSAL</p>	<p>Maintenance dredging (with any amount of yardage) provided:</p> <ul style="list-style-type: none"> • Contained upland disposal • Proper siltation controls used & maintained to prevent runback into waterway/wetland • No direct or indirect impacts to Special Aquatic Sites (SAS) • No work in the main stem of the Connecticut River • Work occurring only between October 1 through January 15 	<p>Maintenance, new, or improvement dredging with disposal at upland, open water, confined aquatic disposal cells, or beach nourishment, provided material to be dredged is determined suitable for disposal by the Corps.</p> <p>Includes Section 103 projects – over 25,000 c.y. of material being dredged and disposed of in open water disposal sites as well as Federal agency project proponents.</p> <p><i>All disposal below the 20' contour line including disposal at WLIS, CLIS, CORN, and NLON disposal sites require NY DOS CZM consistency review prior to beginning work</i></p> <p>Maintenance dredging with upland disposal that is not eligible under Category 1</p>
<p>D. MOORINGS</p> <p>Moorings and/or their moored vessels proposed to be located within the horizontal limits of a Federal Channel are not eligible for this GP and require an Individual Permit.</p> <p>Commercial mooring fields require an Individual Permit</p>	<p>Private, non-commercial, non-rental, single-boat moorings provided:</p> <ul style="list-style-type: none"> • Not associated with any boating facility*, including those in a Federal Anchorage. • No moorings within Federal anchorages • No interference with navigation. • Not located in SAS • Must have harbormaster approval <p><i>* Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.</i></p>	<p>All single commercial moorings in all locations and any single moorings that do not have harbormaster approval and/or are located in Federal navigation projects (FNPs)*.</p> <p>All moorings that do not meet Category 1, provided:</p> <ul style="list-style-type: none"> • No interference with navigation • No adverse impact to SAS <p><i>* FNPs are comprised of Federal Channels and Federal Anchorages. Please click on the link below for more information:</i> http://www.nae.usace.army.mil/navigation/navigation2.asp?mystate=ct</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>E. PILE-SUPPORTED STRUCTURES AND FLOATS</p>	<p>Private residential structures with a length limit of 40' beyond mean high water and to a depth of -4' mean low water and limited to 4' in width. Pile-supported structures/floats may not be positioned over vegetated shallows.</p> <p>Floats must be supported at least 18" above the intertidal and shallow sub-tidal substrate during all tidal cycles.</p> <ul style="list-style-type: none"> • No structures or floats can be located within the buffer zone (3x the authorized depth of the FNP) of the horizontal limits of FNPs. • No structures or floats can extend across >25% of the waterway width at mean low water. • No new structures or floats associated with boating facilities. <p>Reconfiguration of existing authorized structures; private or commercial, provided those structures do not extend beyond the existing perimeter of the facility or encroach into SAS.</p>	<p>Structures or floats that are not associated with a new or previously unauthorized boating facility that do not meet Category 1, provided:</p> <ul style="list-style-type: none"> • No interference with navigation • No adverse impact to SAS <p>New structures within an existing boating facility provided those structures do not extend beyond the existing perimeter of the facility.</p> <p>No structures or floats that extend, or with docked or moored vessels, will extend within the horizontal limits of a FNP.</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>F. AQUACULTURE PROJECTS AND FISHERIES</p> <p>No clam/oyster dredging (mechanical or hydraulic) or placement of cultch in beds of submerged aquatic vegetation.</p> <p>Depth of cultch or spatting-shell limited to the minimum necessary for full coverage of the farmed bed bottom and must not result in visible degradation of habitat for other aquatic resources.</p> <p>All structures must be permitted by State of Connecticut Navigation Safety/Boating Access Unit and marked in conformance with applicable State or U.S. Coast Guard Aids to Navigation.</p>	<p><u>For eligibility under this Category, there can be no activity in SAS (including SAV) and no hazard to navigation.</u> All facilities must be installed and operated in compliance with the attached CT Aquaculture Special Conditions (See Appendix 3).</p> <p>Fish and wildlife harvesting, enhancement, and attraction devices and activities such as pound nets, crab traps, crab & oyster dredging (mechanical and hydraulic), eel pots, lobster traps, clam and oyster digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.).</p> <p>This does not authorize artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster.</p> <p>Shellfish seeding/spatted-shell or cultch for the purposes of enhancement or restoration of a native shellfish population and for bottom cultivation associated with commercial shellfish aquaculture on leased grounds that have historically been similarly cultivated.</p> <p>Research, educational or publicly funded experimental aquaculture activities for indigenous species over an area not to exceed 1,000 sf.</p> <p>Suspended cages or nets located wholly below and within the footprint of an existing authorized fixed or floating structure provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at mean low water.</p> <p>Installation of a maximum of two floating upwellers on existing nearshore leases with a combined area not to exceed 160 s.f. Cannot be located within the buffer of a FNP and no adverse impact to navigation</p> <p>Small-scale shellfish aquaculture as listed below with a gear perimeter or footprint (whichever is greater) \leq 2 acres, with no interference to public access or navigation, and must comply with CT DEP OLISP Minor Aquaculture General Permit Reporting requirements:</p> <ul style="list-style-type: none"> • 50 or less bottom cages/bags/racks/trays • 10 or less sand trays • 50 or less floating cages/bags/racks/trays • Predator netting/screens 	<p>All rearing, grow-out or depuration devices or other structures for the culture of native shellfish or marine organisms that do not meet the eligibility requirements of Category 1.</p> <p>Projects that include dredge harvesting of shellfish (mechanical or hydraulic) or the placement of cultch or aquaculture gear within areas inhabited by submerged aquatic vegetation (SAV)</p> <p>Installation of intake and discharge structures for a land-based hatchery.</p> <p>All must be marked and maintained in conformance w/ 33 CFR 64, receive State of Connecticut Navigation Safety/Boating Access Unit registration and/or receive U.S. Coast Guard permission for Aids to Navigation.</p> <p><i>For additional information, please see “A Guide for Marine Aquaculture Permitting in Connecticut” for guidance and application materials found at:</i> www.nae.usace.army.mil/reg/Permits/CT_AquaculturePermitGuide.pdf</p> <p>Definitions:</p> <p>Shellfish Seeding - “the placement of shellfish seed and/or suitable substrate to facilitate shellfish settlement and increase production.”</p> <p>Shellfish Seed – “Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments.”</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>G. MISCELLANEOUS</p>	<p>Temporary buoys, markers, floats, and similar structures for recreational use during specific events, provided they are removed no later than 30 days after the specific event.</p> <p>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 66, Chapter I, C) or as required by CT DEP Navigation Safety/Boating Access Unit.</p> <p>Oil spill clean-up structures and fill done in accordance with Connecticut emergency certification. Special Aquatic Sites must typically be restored in place to approximate pre-impact elevation.</p> <p>Test plots <100 SF for the planting of native, non-invasive wetland species. No grading or discharge of fill, no plant growing devices and no interference with navigation.</p> <p>Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures. Structures may not restrict movement of aquatic organisms.</p> <p>Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes, and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, and historic resources surveys (but not recovery). This does not authorize fill or work in SAS, permanent structures or the drilling and the discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized).</p>	<p>Structures or work in or affecting tidal or navigable waters that are not defined under any of the previous headings listed above. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridges, tunnels and horizontal directional drilling activities seaward of the mean high water line.</p> <p>Aquatic habitat restoration, establishment, and enhancement of tidal wetlands and riparian areas provided those activities are proactive and result in net increases in aquatic resource functions and services as decided by the Corps in consultation with federal and state agencies that the net effects are beneficial.</p> <p>Specific activities with impacts of any area required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency or Licensed Site Professional with established legal or regulatory authority. Wetlands must typically be restored in place at the same elevation to qualify.</p>

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

May 31, 2011 Connecticut General Permit

1. Aquaculture activities under this category are subject to the General Permit Conditions and Requirements of the May 31, 2011 Connecticut General Permit.
2. The project proponent must receive all applicable local and state authorizations for shellfish and aquaculture related activities from Connecticut Department of Agriculture, Bureau of Aquaculture (CT DA/BA) and the Connecticut Department of Environmental protection (CT DEP) including a CT DA/BA lease and/or license in accordance with Connecticut General Statutes (CGS) §22-11h, registration with CT DEP Office of Long Island Sound Programs (OLISP) for the *General Permit for Minor Aquaculture Activities and/or General Permit for Placement of Cultch*, and *Permit for Regulatory Markers*.
3. Before the authorized structures are installed the project proponent must submit a permit application and receive authorization for Regulatory Markers ([Link to Regulatory Marker Permit](#)) from the CT DEP Boating Division, Navigation Safety/Boating Access Unit, P.O. Box 280, 333 Ferry Road, Old Lyme, CT 06371-0280. If CT DEP Boating regulation does not apply, the applicant shall contact the U.S. Coast Guard (USCG), First District; Aids to Navigation Branch at 408 Atlantic Avenue, Boston, MA 02110-3350 (800-848-3942) to coordinate the proper buoy markers. The permittee shall install and maintain lights, markings and other features as the CT DEP/USCG requires. Note: Documentation of this coordination will be necessary for existing operations that seek reconfigurations and/or new approvals for structures from the Dept. of Army and for authorizations from the Connecticut Department of Agriculture, Bureau of Aquaculture.
4. Gear may not be located over or within beds of submerged aquatic vegetation (SAV) such as eelgrass or turtle grass, and coastal wetlands (salt marsh), nor shall such beds or vegetated marsh areas be damaged or removed. Routine lease activity including cage maintenance, washing etc. shall not occur within 25 feet of the edge of beds of SAV.
5. All gear shall be designed and deployed in such a manner as to limit, to the greatest extent practicable, negative impacts on avian resources such as, but not limited to, shore birds, wading birds or members of the waterfowl group. This is meant to include nesting, feeding or resting activities by migratory birds identified at 50 CFR 10.13.

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

May 31, 2011 Connecticut General Permit

6. Installation of structures, their mooring tackle and lines and any attendant vessels shall not create a hazard or interfere with existing navigation uses in the waterway, and structures shall be set back from the Federal Navigation Project (FNP) a horizontal distance of at least three (3) times the authorized project depth. A list of Connecticut FNP projects and their approved depths can be obtained from the U.S Army Corps of Engineers website ([Link to Federal Navigation Projects](#)).
7. The right of the public to traverse or utilize the waters not physically occupied by authorized structures and/or moored vessels within the areal limits of the authorized gear perimeter shall not be impeded.
8. The placement of cultch shall occur only in appropriate locations for working the bed bottom and colonization by oysters, based upon factors of salinity, water quality, water circulation patterns, and substrate composition and such placement shall not create or exacerbate adverse impact to any aquatic resource (finfish, shellfish, marine mammals, coastal birds), water quality, Essential Fish Habitat¹ or Special Aquatic Sites².
9. New applications of cultch and spatted-shell for the purposes of enhancement or restoration of a native shellfish population and for bottom cultivation associated with commercial shellfish aquaculture on leased grounds cannot be placed within SAV and is limited to the minimum amount necessary for coverage of the target area.
10. The permittee shall be responsible to remove all gear and associated equipment within any leased or designated shellfish area in the event that the operator surrenders or loses the right to its use.
11. The subject aquaculture activity shall not discernibly interfere with natural sedimentation and erosion processes.

¹ Essential Fish Habitat: Those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.

² Special Aquatic Sites: Include Wetlands (inland and salt marsh), intertidal mud flats, vegetated shallow (permanently inundated areas that support rooted aquatic vegetation such as eelgrass, celery grass and tapegrass), and coral reefs. Per §) CFR Part 230 Subpart E.

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

May 31, 2011 Connecticut General Permit

12. To be eligible for authorization under Category 1 of this permit, an upwelling device and/or work floats must be placed within the boundary of a licensed shellfish lease cannot exceed two units or a combined total square footage of 160 square feet. These structures must be permitted by State of Connecticut Navigation Safety/Boating Access Unit and/or marked in conformance with applicable State or U.S. Coast Guard Aids to Navigation.
13. Suspended cages or nets for the rearing or grow out of shellfish are permitted under this category, provided they are located wholly below and within the footprint of an existing, authorized fixed or floating structure and provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW. The structures that the gear will be adhered to must be in conformance with the structures permit for that "site."
14. Aquaculture projects authorized herein shall not interfere with public shore access at or below mean high water or interfere with the access to any riparian or littoral property.

APPENDIX 4

CONTACTS FOR CONNECTICUT GENERAL PERMIT:

1. FEDERAL

U.S. Army Corps of Engineers

New England District, Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751
(800) 343-4789 or (978) 318-8335
(978) 318-8303 - fax

National Park Service

North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5203

Federal Endangered Species (F&WS):

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

Federal Endangered Species & EFH (NMFS)

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Phone: (978) 281-9102
(978) 281-9301 - fax

Department of Agriculture

Bureau of Aquaculture
P. O. Box 97
190 Rogers Avenue
Milford, Connecticut 06460
(203) 874-0696

2. STATE OF CONNECTICUT

Department of Environmental Protection

(Coastal Projects)

Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034

(Aquaculture Projects)

Connecticut Department of Agriculture
Bureau of Aquaculture & Laboratory
PO Box 97
Milford, CT 06460
(203) 874-0696

(Inland Projects)

Inland Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3019

(State Endangered Species)

Bureau of Natural Resources
Wildlife Division
Natural Diversity Data Base
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3011

3. HISTORIC PROPERTIES

Tribal Historic Preservation Officers

Mashantucket Pequot Tribal Historic Pres. Officer
Attn: Ms. Kathleen Knowles
Mashantucket Pequot Tribal Nation
110 Pequot Trail
Mashantucket, Connecticut 06339

Mohegan Tribe Cultural Department
Attn: Ms. Elaine Thomas, THPO
5 Crow Hill Road
Uncasville, Connecticut 06382

Archaeological Information

Connecticut Commission on Culture and Tourism
Historic Preservation & Museum Division
One Constitution Plaza, 2nd Floor
Hartford, Connecticut 0610306103
(860) 424-3005

4. ORGANIZATIONAL WEBSITES

Army Corps of Engineers	www.nae.usace.army.mil (click "Regulatory/Permitting")
Corps of Engineers Headquarters	www.usace.army.mil (click "Services for the Public")
Environmental Protection Agency	www.epa.gov/owow/wetlands/
National Marine Fisheries Service	www.nmfs.noaa.gov
U.S. Fish and Wildlife Service	www.fws.gov
National Park Service	www.nps.gov/rivers/index.html/
Federal Emergency Management Agency	www.fema.gov
Connecticut Department of Environmental Protection	www.ct.gov/dep/
Connecticut Department of Agriculture, Bureau of Aquaculture & Laboratory	www.ct.gov/doag/
New England EPA – Low Impact Development - practices and state-specific resources, including Connecticut’s Stormwater Quality Manual	www.epa.gov/ne/topics/water/lid.html

CONNECTICUT GENERAL PERMIT

General Conditions

The following conditions apply to **ALL** Category 1 and Category 2 activities authorized under this GP unless otherwise specified.

1. Other Permits. Authorization under this General Permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

2. Federal Jurisdictional Boundaries. Applicability of this GP shall be evaluated with reference to Federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries depicted satisfy the Federal criteria defined at 33 CFR 328-329. Wetland boundaries need to be delineated for all wetlands on the subject parcel(s), including isolated wetlands and/or vernal pools. This requirement can be waived by the Corps and CT DEP on a case-by-case basis and only after coordination with the resource agencies. Wetland boundaries shall be delineated in accordance with the January 1987 Corps of Engineers Wetlands Delineation Manual and applicable regional supplements. For Corps Wetland Delineation Manual, regional supplements and data sheets, visit our website at www.nae.usace.army.mil/reg and then click on "Jurisdictional Limits and Wetlands". The U. S. Fish and Wildlife Service's 1988 National List of Plant Species that Occur in Wetlands can be found by following this link www.nwi.fws.gov. The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists which can be found at <http://soils.usda.gov/use/hydric>. For the Field Indicators for Identifying Hydric Soils in New England, visit: www.neiwppcc.org/hydricsoils.asp.

3. Minimal Direct, Secondary and Cumulative Impacts.

(a) Projects authorized by this general permit shall have no more than minimal direct, secondary and cumulative adverse environmental impacts. Applicant shall provide information on secondary and cumulative impacts.

(b) Secondary impacts to waterway and/or wetland areas, (e.g., areas drained, flooded, cleared, excavated or fragmented) shall be added to the total fill area when determining whether the project qualifies for Category 1 or 2.

(c) Site clearing, grading and construction activities in the upland habitat within 750 feet surrounding vernal pools are secondary impacts.

Mitigation will generally be required to offset unavoidable direct, secondary and temporary impacts in accordance with the April 10, 2008 Mitigation Rule 33 CFR 332. See **General Condition 15** of this GP for additional information regarding mitigation.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require an Individual Permit 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 Individual Permit review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the GP that warrants greater review. Whenever the

Corps notifies an applicant that an Individual Permit may be required, authorization under this GP is voided and no work may be conducted until a Corps Individual Permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may be reviewed under this GP.

5. Single and Complete Projects means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For example if construction of a residential development affects several different areas of a headwater or isolated water, or several different headwaters or isolated waters, the cumulative total of all filled areas should be the basis for deciding whether or not the project will be covered by Category 1 or 2.

(a) This GP shall not be used for piecemeal work and shall be applied to single and complete projects. When determining eligibility under either Category 1 or Category 2 for a single and complete project, proponents must include any permanent historic fill placed since August 1993 that is associated with that project and all currently proposed temporary and permanent impact areas.

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

(c) Unless the Corps determines the activity has independent utility:

i. This GP shall not be used for any activity that is part of an overall project for which an Individual Permit is required.

ii. All components of a single project and/or all planned phases of a multi-phased project shall be treated together as constituting one single and complete project.

(d) 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. If any crossing requires a Category 2 review, then the entire linear project shall be reviewed as one project under Category 2.

6. Permit On-Site. For Category 2 projects, the permittee shall ensure that a copy of this GP and the accompanying authorization letter are at the work site (and the project office) authorized by this GP whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means this GP, including General Conditions and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the

authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

7. Historic Properties. Any activity authorized by this GP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Connecticut Commission on Culture and Tourism, Historic Preservation and Museum Division, the National Register of Historic Places and the Tribal Historic Preservation Officer (THPO) of both the Mashantucket Pequot Tribe and the Mohegan Tribe. Project proponents shall apply to the Corps for all projects that would otherwise qualify for Category 1 if there is the potential for an effect on a historic property within the permit area. These projects may be eligible under Category 2. Historic properties are those that are either listed or eligible for listing in the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall immediately notify the District Engineer. The historic properties contacts can be found on Appendix 4.

8. National Lands. Any of the following is not eligible under a Category 1 project:

(a) 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.

(b) Work on Corps properties and/or Corps-controlled easement. Contact the Corps Real Estate Division at (978)318-8585 to initiate reviews about both Corps holdings and permit requirements.

(c) Any proposed temporary or permanent modification or use of a federal project (including but not limited to a levee, dike, floodwall, channel, seawall, bulkhead, jetty, wharf pier, or other work built by the United States), which would obstruct or impair the usefulness of the federal project in any manner, and/or would involve changes to the authorized federal project's scope, purpose, and/or functioning that go beyond minor modifications required for normal operations and maintenance and is not eligible for Category 1 and requires review and approval by the Corps pursuant to 33 USC 408.

9. Federal Threatened and Endangered Species.

(a) No activity may be authorized under this GP (Category 1 or 2) which would:

- i. Be "likely to adversely affect" a threatened or endangered species, a proposed species, designated or proposed critical habitat (all herein referred to as "listed species or habitat") as identified under the federal Endangered Species Act (ESA).
- ii. Result in a "take" of any federally-listed, threatened or endangered species of fish or wildlife, or
- iii. Result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

(b) No activity may be authorized under Category 1 if a listed species or critical habitat is present in the action area (see (c) below). The following USFWS and NMFS sites must be referenced to ensure that listed species or critical habitat are not present in the action area or to provide information on federally-listed species or habitat:

www.fws.gov/newengland/EndangeredSpec-Consultation_Project_Review.htm and
www.nero.noaa.gov/prot_res/esp/ListE&Tspec.pdf.

(c) Proponents must submit an application if any of the activities in (a) or (b) may occur and provide information on federally-listed species or habitat to allow the Corps to conduct any required consultation under Section 7 of the ESA. The Endangered Species Act Consultation Handbook – Procedures for Conducting Section 7 Consultations and Conferences,” defines action area as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action”. [50 CFR 402.02]

10. Essential Fish Habitat. As part of the GP reviewing process, the Corps will coordinate with the NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “Essential Fish Habitat,” (EFH) and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.” All species managed under the MSA have had EFH designations. There are 61 species with EFH in the coastal waters of southern New England. Applicants may be required to describe and identify potential impacts to EFH. For instance, in Connecticut, this act protects Atlantic salmon (*Salmo salar*) habitat. Any work in the main stem or tributary streams of the Connecticut River watershed that are being managed for Atlantic salmon may **NOT** be eligible for authorization under Category 1 of this GP because the activity requires screening for potential impacts to designated EFH. Conservation recommendations regarding the protection of EFH for species managed under the MSA made by NMFS will normally be included as special conditions to any permit issued by the Corps. Information on the location of EFH can be obtained from NMFS. The NMFS has established a web site at www.nero.nmfs.gov/RO/DOC/appguide1.html.

11. Wild and Scenic Rivers. Any activity that occurs in the designated main stem of, within 0.25 miles up or downstream of the designated main stem of, or in tributaries within 0.25 miles of the designated main stem of a National Wild and Scenic River, or that has the potential to alter flows within a river within the National Wild and Scenic River System is not eligible for Category 1, regardless of the size of the impacts. This condition applies to both designated Wild and Scenic Rivers and rivers officially designated by Congress as study rivers for possible inclusion while such rivers are in official active study status.

The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the wild and scenic river. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an Individual Permit is required. If preapplication consultation between the applicant and the NPS has occurred whereby NPS has made a determination that the proposed project is appropriate for authorization under this GP (with respect to Wild and Scenic River issues), this determination should be furnished to the Corps with submission of the application. Additional information can be found at: <http://www.rivers.gov/wildriverslist.html> and scrolling down to “Connecticut”.

12. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps 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.

13. Navigation.

(a) 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.

(b) The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

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; and

(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. Avoidance, Minimization and Compensatory Mitigation.

(a) Discharges of dredged or fill material into waters of the U.S., including wetlands, shall be avoided and minimized to the maximum extent practicable. Compensatory mitigation of unavoidable direct and indirect impacts (including temporal loss) will typically be required on a case-by-case basis and will need to be sufficient to replace the suite of aquatic resource functions and services lost by the permitted activity (see the NAE Mitigation Guidance and Recommended Ratios at <http://www.nae.usace.army.mil/reg/Mitigation/CompensatoryMitigationGuidance.pdf>).

Compensatory mitigation will be required on-site, only to the extent practicable to off-set losses to water quality and flood storage functions. In urban and developed rural areas it is expected that off-site mitigation will also be required to fully offset the loss of wetlands or waters at the impact site.

Mitigation will also be required, when necessary and reasonably practicable, to offset loss or modification to lower order headwater stream networks and may include uplands such as non-wetland riparian areas, if those features are essential to maintaining the ecological viability of adjoining aquatic resources. Compensatory mitigation must be environmentally preferable with a high likelihood of ecological success which can be sustained in the long term; it should be located where it has significance within the watershed such that it will improve or at least sustain the targeted watershed and/or biophysical region functions and services; it will not normally include preservation in lieu of

other mitigation approaches; it will generally require financial assurances to ensure a high level of confidence that the mitigation will be successfully completed in accordance with the performance standards; and its location will require protection in perpetuity through the use of a legal protection instrument. In general, the authorization will not be granted and work will not be allowed to commence until the District Engineer approves the final mitigation plan.

For additional information see the Corps website at <http://www.nae.usace.army.mil/reg> and click on "Mitigation" to view the April 10, 2008 "Final Compensatory Mitigation Rule" (33 CFR 332) and related documents. The Q&A document states: "In order to reduce risk and uncertainty and help ensure that the required compensation is provided, the rule establishes a preference hierarchy for mitigation options. The most preferred option is mitigation bank credits, which are usually in place before the activity is permitted. In-lieu fee program credits are second in the preference hierarchy, because they may involve larger, more ecologically valuable compensatory mitigation projects as compared to permittee-responsible mitigation. Permittee-responsible mitigation is the third option, with three possible circumstances: (1) conducted under a watershed approach, (2) on-site and in kind, and (3) off-site/out-of-kind. It is anticipated that in New England mitigation will become more practical as additional ILF and Banking choices are developed in the future.

(b) For coastal structures such as piers and docks, the height above the marsh at all points should be equal to or exceed the width of the deck. The height shall be measured from the marsh substrate to the bottom of the longitudinal support beam. This will help ensure sunlight reaches the area beneath the structure.

(c) For coastal floats, they should be elevated above the substrate a minimum of 18" at all tides.

16. Heavy Equipment in Wetlands. Operating heavy equipment other than fixed 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 either have low ground pressure (typically <3 psi), or it shall be placed on swamp/construction/timber mats (herein referred to as "construction mats") that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. 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 (see General Condition 17 below). An adequate supply of spill containment equipment shall be maintained on site.

17. Temporary Fill. Fill placed into waters of the U.S. (including wetlands) totaling greater than or equal to 5,000 square feet in total area (i.e., the sum of permanent and temporary fill areas) exceeds the Category 1 threshold and may not be discharged without written authorization from the Corps. When temporary fill is used (e.g., access roads, swamp mats, cofferdams), it shall be stabilized and maintained during construction in such a way as to prevent its eroding into portions of waters of the U.S. where it is not authorized. Swamp or timber mats (see 16 above) are considered as temporary fill when they are removed immediately upon work completion. The area must be restored in accordance with **General Condition 18** below.

- Unconfined temporary fill authorized for discharge into flowing water (rivers and streams) shall consist only of clean stone.

- Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric laid on the pre-construction wetland grade. (Swamp and timber mats are excluded from this requirement.)
- Temporary fill shall be removed as soon as it is no longer needed, and it shall be disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- Waters of the U.S. where temporary fill was discharged shall be restored (see **General Condition 18**).
- No temporary work shall drain a water of the U.S. by providing a conduit for water on or below the surface.

18. Restoration of Inland Wetland Areas.

- Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) 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 in the “New England District Compensatory Mitigation Guidance”.
- The introduction or spread of invasive plant species in disturbed areas shall be controlled.
- In areas of authorized temporary disturbance, if trees are cut they shall be cut at 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.
- 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. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. 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 (supersedes the Shore Protection Manual), located at <http://chl.erdc.usace.army.mil>. Select “Products/ Services,” “Publications.” Part 5, Chapter 7-8, a (2) c is particularly relevant.

20. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences, hay bales or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. These measures shall be capable of preventing erosion, of collecting sediment, suspended, and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

21. Waterway Crossings.

- (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, and to maintain existing low flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- (b) Open bottom arches, bridge spans or embedded culverts are generally preferred over traditional culverts and are required for Category 1/non-reporting projects. However, site constraints (e.g., placing footings) may make use of an open bottom arch, bridge span or embedded culverts impractical, and in these cases well-designed culverts may actually perform better. Project proponents shall consult with the Corps if an open bottom arch, bridge span or embedded culvert is impractical.
- (c) No projects involving open trench excavation in flowing waters are allowed in Category 1. However, open trench excavation projects may qualify for Category 1 provided they utilize management techniques such as temporary flume pipes, culverts, cofferdams, etc. and maintain normal flows within the stream boundary's confines so the work does not occur in flowing waters. Projects utilizing these management techniques must meet the other Category 1 requirements and all of this GP's terms and conditions. If not, they will require review under the Category 2 screening procedures.
- (d) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams. (**Note:** areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this GP).
- (e) Projects using slip lining (retrofitting an existing culvert by inserting a smaller diameter pipe), plastic pipes, and High Density Polyethylene Pipes (HDPP) are not allowed as non-reporting Category 1 activities, either as new work or maintenance activities.
- (f) For projects that otherwise meet the terms of Category 1, unconfined in stream construction work shall be conducted during the low flow period July 1 through September 30 in any year except in instances where a specific written exception has been issued by the Connecticut Department of Environmental Protection. All other projects shall be screened pursuant to Category 2, regardless of the waterway and wetland fill and/or impact area.
- (g) All temporary fill must be removed as soon as it is no longer needed and all disturbed areas must be returned to their pre-construction conditions

22. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the U.S. authorized under this GP 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. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Applicants may presume that state water quality standards are met with issuance of the Section 401 WQC (Applicable only to the Section 404 activity).

23. Spawning Areas. Discharges of dredged or fill material, and/or suspended sediment-producing activities in fish and shellfish spawning or nursery areas and amphibian and waterfowl breeding areas shall be avoided. During all times of year, impacts to these areas shall be avoided to the maximum extent practicable.

24. Storage of Seasonal Structures. Coastal structures, such as pier sections and floats, that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above mean high water (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.

25. Environmental Functions and Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish, and wildlife, and natural environmental values and to discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency.

26. Protection of Vernal Pools. Wetland boundaries for vernal pools and isolated wetlands on the subject parcel(s) must be delineated in accordance with Federal criteria defined at 33 CFR 328-329. Impacts to uplands in proximity (within 500 feet) to the vernal pools referenced in the Definitions of Categories shall be minimized to the maximum extent possible.

27. Invasive Species.

(a) The introduction, spread, or the increased risk of invasion 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 site work is prohibited.

(b) Unless otherwise directed by the Corps, all applications for Category 2 inland projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan (ISCP).

Additional information can be found at: www.hort.uconn.edu/cipwg/

28. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order 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. To facilitate these inspections, the permittee shall complete and return to the Corps:

- For Category 1 Inland projects, the Category 1 Form (Appendix 1A).
- For Category 2 projects, the 1) Work-Start Notification Form and 2) Compliance Certification Form. Both are provided as attachments with each Category 2 authorization letter.

29. Maintenance. The permittee shall maintain the activity authorized by this GP 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 the List of Categories sheets (attached) and/or 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).

Information on mosquito ditching and maintenance is provided at www.nae.usace.army.mil. Go to “Regulatory/Permitting,” and then “Other.”

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

31. Modification, Suspension, and Revocation. This permit 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. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former conditions, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

33. 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 CT DEP or 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 or restoration.

34. 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 permit will not be valid, and the U.S. government may institute appropriate legal proceedings.

35. Abandonment. If the permittee decides to abandon the activity authorized under this general permit, 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 District Engineer.

36. Enforcement cases. This GP does 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.

Duration of Authorization/Grandfathering:

37. Duration of Authorization. This GP expires five years from the effective date listed at the top of Page 1 of this GP. Activities authorized by this GP that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date this GP’s expiration date. The permittee must be able to document to the Corps’ satisfaction that the project was under construction or under contract by the appropriate date.

Activities authorized under this GP will remain authorize, unless:

(a) the GP is either modified or revoked, or

(b) 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 Category 1 or Category 2 authorizations of this GP will continue to be authorized by this GP after its expiration date.

Activities authorized under Category 2 of this GP for the transport of dredged or fill material for the purpose of disposing of it in open waters will specify a completion date for the disposal not to exceed three years from the date of authorization.

38. Previously Authorized Activities:

(a) Activities completed under the authorizations of past GPs that were in effect at the time the activity was completed will continue to be authorized by those GPs.

(b) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this GP, regional general permits, or letters of permission shall remain authorized as specified in each authorization.

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

DISTRICT ENGINEER

DATE