



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

# PUBLIC NOTICE

## 45-DAY PUBLIC NOTICE

**Date: November 1, 2016**

**Comment Due Date: December 16, 2016**

**E-mail: [Ddavid.m.keddell@usace.army.mil](mailto:Ddavid.m.keddell@usace.army.mil)**

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### **REVISION AND REISSUANCE OF THE DEPARTMENT OF THE ARMY NEW HAMPSHIRE GENERAL PERMIT (GP)**

**The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751**

hereby proposes to replace and reissue the statewide New Hampshire General Permit (GP), pursuant to 33 CFR Part 325.5(c) (1) with a series of multiple GPs covering activity-specific categories. The revised GPs will continue to authorize activities in waters of the United States within the State of New Hampshire and its coastal waters with minimal individual and cumulative adverse environmental impacts.

The existing GP expires on August 3, 2017 and we propose to issue the GPs for another five years prior to that date. The revised GPs 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.

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. These GPs would authorize activities covered under the NWP program as well as those activities currently covered under the existing GP. The New England District suspended all NWPs in the six New England states.

All GP authorizations would be subject to the applicable requirements, procedures, and conditions contained in the documentation for the GPs. Project eligibility under these GPs will fall into three Categories (Minimum, Minor, & Major). Individual authorizations under the GPs 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 these GPs. 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 those activities requiring a Pre-Discharge Notification (Minor & Major Impact Projects) to the Corps as outlined within the GPs. Projects that do not meet the terms and conditions of the GPs, 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 issuance of these GPs does not alter the Individual Permit review procedures, or Federal exemptions, which are not necessarily the same as the State of New Hampshire'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. Essential Fish Habitat is broadly defined as those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. 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 affect 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 may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(f).

**Water Quality Certification:** State 401 water quality certification ("WQC") pursuant to section 401 of the Clean Water Act, or waiver thereof, is required from the state, authorized tribes, or EPA where applicable, prior to the issuance or reissuance of general permits authorizing activities that may result in a discharge into waters of the U.S. The Corps will be requesting the New Hampshire Dept. of Environmental Services (NH DES) Watershed Management Bureau to determine whether to issue, deny or waive Water Quality Certification.

**Coastal Zone Management Consistency:** The Corps will be requesting that the NH DES New Hampshire Coastal Program to concur with the Corps consistency determination for activities authorized under these GPs. Section 307(c)(1) of the Federal Coastal Zone Management ("CZM") Act of 1972, as amended, requires the Corps to provide a consistency determination and receive state concurrence prior to the issuance, reissuance, or expansion of activities authorized by any GP that authorizes any activities within a state with a federally-approved Coastal Management Program when activities that would occur within, or outside, that state's coastal zone will affect land or water uses or natural resources of the state's coastal zone. The state of New Hampshire has an approved CZM program.

**Comments:** We are seeking public comment in order to properly evaluate the proposed GPs 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: Mr. David M. Keddell, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, Massachusetts 01742-2751. If you have any questions, please contact Mr. Keddell at (978) 318-8692 or [david.m.keddell@usace.army.mil](mailto:david.m.keddell@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.



Frank J. Delgiudice  
Chief, Permits & Enforcement Branch C



**General Permit No: Draft**

**Effective Date:**

**Applicant: General Public in N H**

**Expiration Date:**

**Department of the Army General Permits  
for the State of New Hampshire**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues these General Permits (GPs) that expedite the review of minimal impact work in coastal and inland waters and wetlands within the State of New Hampshire. Minimal impact work which meets the exclusions and conditions found within these GPs, eliminating the need to apply separately to the Corps for most minor, non-controversial work in New Hampshire when that work is authorized by the New Hampshire Department of Environmental Services (DES) Wetlands Bureau. For activities not regulated by the DES and within Corps jurisdiction, the Corps will regulate those activities according the terms and conditions of these GPs to minimize duplication between New Hampshire's Regulatory Programs and the Corps Regulatory program.

The Corps will review activities according to the State of New Hampshire classification of Minimum, Minor and Major impact projects per the State of New Hampshire Wetland Rules Env-Wt 100 – 900. The Corps review thresholds are typically the same as the State's thresholds, but may differ. For example, the wetland fill thresholds for a Minimum are <3,000 square feet (SF) (State and Corps), Minor [ $\geq 3,000$  to <20,000 SF (State and Corps)] and Major [ $\geq 20,000$  SF (State);  $\geq 20,000$  SF to <3 acres (Corps)].

**I. GENERAL CRITERIA:**

In order for activities to qualify for these GPs, they must meet the terms and eligibility criteria (Pages 1 – 8), general conditions (Pages 9 – 19), and or one or more of the New Hampshire General Permits. Proponents should first review the New Hampshire General Permits to see if a project is eligible under one or more of the New Hampshire General permits within this document.

**Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require a Minor, or Major Impact review or Individual Permit based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)].

**Self-Verification (SV) (Minimum Impact Project):**

Minimum Impact Projects may proceed after receiving NHDES Wetlands Bureau authorization unless the applicant receives written notification from the Corps (see Page 4). An application to the State and the secondary impact information required in Appendix B (this is also attached to the State's application) is required for all projects, unless exempt from State regulation.

If you determine that your project is eligible as a SV (Minimum Impact project), you must then ensure your project is in full compliance with the terms and general conditions of the GP's. If any of the



applicable terms or general conditions are not met, your project must be reviewed under the Minor or Major Impact Project procedures or Individual Permit procedures. The Individual Permit procedures are briefly described on Page 8. These GPs do not replace or change the activities exempt from Corps regulation or Corps Individual Permit review process.

### **Pre-Construction Notification (PCN) Required (Minor or Major Impact Project):**

**Minor Impact Projects** may proceed after 30 days from the date of the NHDES Wetlands Bureau authorization unless the applicant receives written notification from the Corps (see Page 5).

**Major Impact Projects** require written approval from the Corps. An application to and written authorization from the State is also required.

## **II. CORPS JURISDICTION/AUTHORITIES TO ISSUE PERMITS:**

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

(a) Work and structures that are located in, or that affect, navigable waters of the United States (U.S.) See[33 CFR 328] The Corps regulates these activities under section 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322.

(b) The discharge of dredged or fill material into waters of the U.S. The Corps regulates these activities under Section 404 of the Clean Water Act); [See 33 CFR 323.4], Discharges not requiring permits, states any discharge of dredged or fill material that may result from normal farming, silviculture and ranching activities is not prohibited by or otherwise subject to regulation under Section 404 (except as specified in paragraphs (b) and (c) of that section). and;

(c) The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act. The term "discharge of dredged or fill material" also includes certain discharges resulting from excavation.

For additional information on the limits of Corps jurisdiction please refer to this web address [http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional\\_Limits\\_Brochure.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf) . Applicants should contact the Corps to determine if a particular excavation discharge occurring within waters or wetlands is a regulated activity.

2. Related Laws:

33CFR 320.3 includes a list of related laws including Section 401 of the CWA, Section 307© of the Coastal Zone Management Act of 1972, The National Historic Preservation Act of 1966, the Endangered Species Act, and Section 7 (a) of the Wild and Scenic Rivers Act.

### **New Hampshire General Permits**

1. Aids to Navigation
2. Repair, replacement and maintenance of authorized or grandfathered structures/fills
3. Moorings



4. Pile-supported structures and floats, including boat lifts/hoists and other miscellaneous structures/work
5. Boat ramps/marine railways
6. Utility line activities
7. Dredging, disposal of dredged material, beach nourishment, rock removal & rock relocation
8. Discharges of dredged or fill material incidental to the construction of bridges
9. Shoreline and bank stabilization projects
10. Aquatic habitat restoration, establishment and enhancement activities
11. Fish and wildlife harvesting, enhancement and attraction devices and activities
12. Oil spill and hazardous material cleanup
13. Cleanup of hazardous and toxic waste
14. Scientific measurements devices
15. Survey activities
16. Aquaculture projects and fisheries
17. New/expanded residential, and commercial developments & recreational facilities
18. Linear transportation projects
19. Energy generation and renewable energy facilities, hydropower, transmission and pipeline projects
20. Mining activities
21. Temporary fill not associated with a project within Corps jurisdiction
22. Agricultural Activities
23. Dam construction and or repair
24. Stream, River & Brook Crossings (not including wetland crossings)

### **III. PROCEDURES:**

#### **1. State Approvals**

a. In order for Corps GP authorizations to be valid, the following state Water Quality Certification (WQC) and the Coastal Zone Management Act (CZMA) Federal Consistency Concurrence approvals must be obtained prior to the commencement of work in Corps jurisdiction (see General Condition 1, Page 9). Applicants are responsible for applying for and obtaining any of the other required State and or local approvals such as the NH Shoreland Water Quality Protection Act (SWOPA).

(i) Water Quality Certification (WQC) under Section 401 of the Federal Clean Water Act (CWA) (33 USC 1341). The CWA requires applicants to obtain a WQC or waiver from the state water pollution control agency (NHDES, Watershed Management Bureau) for any GP that may discharge pollutants during construction or operation of the activity. State jurisdiction for impacts to wetlands extends back to 1967 for tidal waters and 1969 for non-tidal waters. An applicant proposing to impact historic fill areas should meet with NHDES prior to plan development to ensure that the wetland plan captures state regulated resources. The NHDES has granted WQC #2016-404P-001 for the activities in these GPs, provided that the permittee obtains the required state wetlands and Alteration of Terrain approvals and complies with the conditions in this document. Under condition E-2 of the WQC, GP



activities shall be subject to DES review to determine whether additional conditions or an Individual 401 Certification application is necessary to ensure compliance with surface water quality standards.

(ii) Coastal Zone Management Act (CZMA) Federal Consistency Concurrence pursuant to Section 307 of the CZMA of 1972, as amended. The NHDES administers the NH Coastal Program (NHCP). The NHCP has determined that any project in the NH Coastal Zone that is authorized under the Minimum, Minor or Major Impact Project categories of these GPs is consistent with the NHCP and does not require additional CZMA Federal consistency review. The landward boundary of the state's coastal zone encompasses the jurisdictional borders of the 17 coastal municipalities subject to tidal influence. The seaward boundary of the state's coastal zone extends three nautical miles offshore.

## **2. Corps Authorizations**

The three GP review categories (Minimum, Minor and Major) are listed below. If the Corps determines a project will have more than minimal environmental impacts, or based on a concern for any other factor of the public interest [33 CFR 320.4(a)], the Corps retains discretionary authority on a case-by-case basis to elevate any Minimum, Minor or Major Impact eligible project to an Individual Permit. In certain instances the Corps may use terms and conditions of this document to authorize those federally regulated activities which may not be regulated by the state of New Hampshire.

### **SELF-VERIFICATION (SV) (MINIMUM IMPACT PROJECTS)**

#### **Eligibility**

##### **Activities in NH that:**

1. Are subject to Corps jurisdiction [see General Condition (GC) 2, Page 9];
2. Meet the general conditions of this document or the GPs (Pages 9 - 19);
3. Are listed under the heading Minimum Impact Project;
4. Meet the definitions of a State of New Hampshire Minimum Impact Project;
5. Qualifies for one or more of the New Hampshire General Permits within this document; and
6. Receive approval from the NHDES Wetlands Bureau and all other applicable Federal and State agencies, may proceed upon authorization from the DES Wetlands Bureau if they meet Minimum Impact project conditions unless notification is received from the Corps requiring further review or additional information.

### **Abbreviated Application Procedures for Self-Verification (SV) (Minimum Impact Project)**

Applicants must submit the information in Appendix B, which includes the Corps Secondary Impacts Checklist. For convenience, Appendix B is also attached to the NHDES Wetlands Bureau applications and Permit by Notification forms. The Corps will review this information for all projects to assess direct, indirect (secondary impacts) and cumulative impacts. The Corps will decide that the project:



- as proposed will have no more than minimal environmental impacts, which means the project may then proceed upon authorization from the NHDES Wetlands Bureau without waiting for Corps confirmation, or

- will receive a higher review level if there are concerns for the aquatic environment, any other factor of the public interest, or for any potential secondary impacts. If a higher level review is required, the Corps will attach a notification to the NHDES Wetlands Bureau decision. The Corps will later contact the applicant to notify them of their project status and request any additional information that may be required.

Work is eligible for a Minimum Impact permit if a No Effect or No Adverse Effect determination has been made for that work by the Corps or another Federal action agency in its consultation with the New Hampshire Historic State Preservation Office (SHPO). Information on the location and existence of known historic resources can be obtained from the SHPO and the National Register of Historic Places. If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction which may be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the Corps and the SHPO.

Project proponents seeking Minimum Impact project authorizations are not relieved of their obligation to comply with the General Conditions (Pages 9 - 19) and other Federal laws such as the National Historic Preservation Act, the Endangered Species Act and the Wild and Scenic Rivers Act.

## **PRE-CONSTRUCTION NOTIFICATION (PCN) Required (MINOR AND MAJOR IMPACT PROJECTS)**

### **Eligibility**

#### **Activities in NH that:**

1. Are subject to Corps jurisdiction (see General Condition 2, Page 9);
2. Meet the general conditions of one or more of the GPs in this document;
3. Meet the definitions of a State of NH Minor or Major Impact Project;
4. Meet the definition of Minimum Impact Project but have been determined by the Corps to have concerns for the aquatic environment, any other factor of the public interest, or for any potential secondary impacts (see Page 9);
5. Receive approval from the NHDES Wetlands Bureau and all other applicable State agencies;
6. Receive all other required Federal and State approvals (Page 3); and
7. Have been reviewed by the Corps and the Federal resource agencies (Page 6);

**Minor Impact Projects.** The applicant may proceed after thirty (30) days from the NHDES Wetlands Bureau decision unless the applicant receives written notification from the Corps either requesting additional information or requiring modifications to the proposal, or requiring an Individual Permit for the project



**Major Impact Projects.** The applicant may proceed upon receipt of written authorization from the Corps. The Corps will notify the applicant within thirty (30) days from the NHDES Wetlands Bureau decision if:

- (a) their project is authorized under one or more of the GPs,
- (b) additional information is needed; or
- (c) an Individual Permit review is required.

Env-Wt 303 Classification of Projects specifies the classifications for Major, Minor and Minimum Impact Projects, which may be further modified by Env-Wt 903 Stream Crossings: Classifications and Applications. The NHDES Wetlands Bureau will classify a project once it has been found to be technically complete and will provide that classification to the proponent along with their NHDES Wetlands Bureau decision. For inland wetland fill projects, the NHDES Wetlands Bureau thresholds are 3,000 to <20,000 SF (Minor Impact Project) and  $\geq 20,000$  SF (Major Impact Project). Additional criteria for stream crossings are found in Env-Wt 900. For certain DES thresholds projects are elevated to Major that impact sensitive or special wetlands. For example, any impact to a bog or tidal wetland is classified as Major Impact. Additionally, there are project exceptions for certain types of projects. For example, existing agriculture operations (up to 3 acres) may operate as a Minimum Impact project if certain conditions and BMPs are met.

#### **IV. Application Procedures Pre-Construction Notification (PCN) (Minor and Major Impact Projects)**

For projects qualifying as Minor or Major Impact Projects, the applicant will send the original State application package to the NHDES Wetlands Bureau. After the DES Wetlands Bureau assigns a State file number, the State will make the DES file available to the Corps.

All applicants requiring a Corps authorization shall submit a Request for Project Review (RPR) Form to the NH SHPO at the NH Division of Historical Resources (DHR) (see Section VII, Part E) to be reviewed for the presence of historic/ archaeological resources within the proposed project area. When the Corps is the lead federal agency for Section 106 of the National Historic Preservation Act, Appendix C will be followed. As advisor to the federal agency in the historical review, the DHR will notify and consult with the Corps if there are historical resources which the project will affect within Corps permit areas.

The applicant must submit with their application to the NHDES Wetlands Bureau, a copy of their cover letter to and/or comments received from the SHPO concerning their project. Applicants must also provide the NHDES file number to the DHR for addition to the project information previously sent or which will be sent by the applicant to the DHR for their review. Any correspondence from the DHR to the applicant or their consultant shall be forwarded to the Corps with their state NHDES file number. The SHPO will notify the Corps if there are State concerns that the proposed work will have an effect on historic resources. The RPR submission to the DHR is not required by the Corps if the project is not within Corps jurisdiction or another Federal action agency has previously satisfied the consultation requirements of Section 106 of the National Historic Preservation Act.



## **Information Required:**

See Appendix B (required information), which is also an addendum to the New Hampshire DES Wetland Bureau application. If a project is exempt from the State process then an application for work within Corps jurisdiction is to be sent directly to the Corps of Engineers for review and authorization.

## **V. Federal/State Review Procedures Pre-Construction Notification (PCN) (Minor and Major Impact Project)**

The Corps, Federal resource agencies [U.S. Fish and Wildlife Service (US FWS), U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS)] and the DES Wetlands Bureau will comprise the interagency review team. The Corps will review all applications for Minor and Major Impact projects with the review team at monthly interagency review meetings ("Joint Processing Meetings") at the NHDES Wetlands Bureau. The Corps and the Federal resource agencies at the branch chief or equivalent level may agree on certain activities that do not require coordination at these meetings or may substitute a different review process. The Corps may determine on its own, or in consultation with the interagency review team, if applications for Minor and Major Impact projects work:

1. Are eligible under these GPs as proposed;
2. Require additional information;
3. Will require avoidance, minimization, construction sequencing, project modification, mitigation or other special conditions to avoid or minimize adverse environmental impacts and protect the aquatic environment to be eligible for authorization under these GPs;
4. Are ineligible under the terms and/or conditions of these GPs; or
5. Require Individual Permit review irrespective of whether the terms and general conditions of these GPs are met, based on concerns for the aquatic environment or any other factor of the public interest (see General Condition 4, Pages 9 & 10).

**Minor Impact Projects.** The applicants may proceed after the 30 day waiting period.

**Major Impact Projects.** The applicant must wait for written authorization from the Corps. If an applicant for a Major Impact Project does not hear from the Corps within the thirty (30) day waiting period, the applicant should call the Corps (800) 343 4789 and inquire as to the status of their application. To proceed with a Major Impact Project without a Corps written authorization is a violation of the GPs, and the terms and conditions of this document. The applicant may be subjected to an enforcement action by the EPA and/or the Corps.

The Corps or the Federal resource agencies may, within ten (10) business days of the review meeting,

- 1) Request additional information;
- 2) Recommend avoidance, minimization, construction sequencing, modification, mitigation, or special conditions to avoid or minimize adverse environmental impacts associated with the aquatic environment and to ensure the terms and general conditions of one or more of these GPs are met.



The Federal resource agencies may request additional information within their area of expertise within ten (10) business days of the review meeting. This information shall be commensurate with the level of impact and agreed upon by the Corps. The agencies are allowed an additional ten (10) business days after their receipt of additional information to provide special conditions. An Individual Permit review may be required if the Corps determines that impacts to the aquatic environment are more than minimal.

The Corps will contact the applicant either by phone or in writing if there are concerns. For additional information requests, the Corps will copy the NHDES Wetlands Bureau administrator and assigned NHDES reviewer along with the Federal resource agency making the request. If the applicant is unable to resolve the concerns or modify the project, the Corps may determine that a project is ineligible under this GP and will then take discretionary authority and require the applicant to apply for an individual permit. The Corps will do so in writing to the applicant and copy the NHDES Wetlands Bureau and the pertinent Federal resource agencies. A project may regain eligibility under one or more of these GPs if the applicant subsequently addresses all of the concerns raised to the Corps' satisfaction.

In accordance with regional environmental concerns, projects involving more than 1 acre of impacts could require an Individual Permit review. Projects with impacts >3 acres would require an Individual Permit review. Generally, the following types of impacts are viewed as minimal and are eligible for GP authorization (subject to agency review and Corps approval) for projects impacting between 1 - 3 acres of wetlands:

1. Widening of transportation projects and expansions of existing projects.
2. Wetland edge encroachments and/or wetland crossings to access usable uplands
3. Low value or degraded wetlands
4. Temporary fills for construction access

## **VI. Emergency Procedures: Pre-Construction Notification (PCN) (Minor and Major Impact Projects)**

In accordance with Env-Wt 501, applicants may request, and NHDES may authorize, work within jurisdiction when there is a threat due to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures and the event causing the emergency occurred within the previous five days. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, is subject to the terms and conditions of this document; otherwise an IP is required. Contact the state in the event of an emergency situation (Page 21.)

The work proponent shall submit a description of all work performed during an emergency, except for those projects classified Minimum Impact, in lieu of a permit application. Applications as required under Env-Wt 501 shall be submitted for any permanent repairs, restoration, or other activities proposed to be conducted after the emergency has ended. The Corps will review emergency work and



confirm any additional Federal authorizations or mitigation required during real- time review and/or through an after-the-fact permit process. Emergency authorizations shall be limited to stabilization of the site or mitigation of an immediate threat.

## **VII. Construction of Solid Fill Structures and Fills Along the Coastline or Baseline From Which the Territorial Sea is Measured Pre-Construction Notification (PCN) (All are considered Major Impact Projects)**

Projects with construction of solid fill structures or discharge of fill that may extend beyond the coastline or the baseline from which the territorial sea is measured (i.e., mean low water), must be coordinated with the Bureau of Ocean Energy Management (BOEM), Outer Continental Shelf (OCS) Survey Group, pursuant to the Submerged Lands Act (43 USC 1301-1315, 33 CFR 320.4(f)). The Corps will forward project information to BOEM for their review. The BOEM will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have fifteen (15) calendar days from the date BOEM received the project information to determine if the baseline will be affected. If the Corps is not notified within the fifteen (15) day period it will assume a "no effect" determination. If the solicitor's notification to the Corps is verbal, it must be followed with a written confirmation within ten (10) business days of the date of the verbal notification. This procedure will be eliminated if the State of New Hampshire provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structures or fills authorized under these GPs.

## **VIII. INDIVIDUAL PERMIT**

Work that is in the Individual Permit category does not meet the terms and general conditions of these GPs. Proposed work in this category will require a separate Federal application for an Individual Permit from the Corps (33 CFR 325.1). Applicants are required to submit the appropriate application materials directly to the Corps as early as possible to expedite the permit review process. General information and application forms can be obtained at our web site or from our office (see Page 20). Individual 401 WQC and/or CZM Federal consistency concurrence from the appropriate NH agencies are required before the Corps can issue an Individual Permit. Filing an Individual Permit application does not relieve the applicant from their obligation to obtain all required Federal, State and/or local approvals.

## **IX. GENERAL PERMIT CONDITIONS:**

The following general conditions apply to all activities authorized under these GPs, including all SV & PCN (Minimum, Minor and Major Impact Projects).



## **General Requirements:**

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

## **2. Federal Jurisdictional Boundaries.**

a) Applicability of this GP shall be evaluated with reference to Federal jurisdictional limits. Applicants are responsible for ensuring that the limits depicted satisfy the Federal criteria defined at 33 CFR 328 "Waters of the U.S." and 33 CFR 329 "Navigable Waters of the U.S."

**NOTE:** Waters of the U.S. include the subcategories "navigable waters of the U.S." and "wetlands."

b) Pre-Construction Notification (PCN) (Minor or Major Impact Projects) Eligible projects require an application to the Corps which must include a delineation of wetlands, other special aquatic sites, and other waters such as lakes and ponds and perennial, intermittent, and ephemeral streams that are on the project site. Wetland delineations must be prepared in accordance with the current federal method required by the Corps. For Corps Wetland Delineation Manual, regional supplements and data sheets, and the National List of Plant Species that Occur in Wetlands, visit our website at <http://www.nae.usace.army.mil/Missions/Regulatory.aspx> and then click on "Jurisdiction and Wetlands". The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists which can be found at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/use/hydric/>. For the Field Indicators for Identifying Hydric Soils in New England, visit: [www.neiwpcc.org/hydricsoils.asp](http://www.neiwpcc.org/hydricsoils.asp).

## **3. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)**

a) Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States (U.S.) to the maximum extent practicable at the project site (i.e., on site). Consideration of mitigation (avoiding, minimizing, rectifying, reducing, or compensating) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.

b) Applicants should consider riparian/forested buffers for stormwater management and low impact development (LID) best management practices (BMPs) to reduce impervious cover and manage stormwater to minimize impacts to the maximum extent practicable.

c) Compensatory mitigation for effects to waters of the U.S., including direct, secondary and temporal, will generally be required for projects with permanent impacts that exceed the SV (Minimum Impact) area limits, and may be required for temporary impacts that exceed the SV (Minimum Impact) area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

The Corps New Hampshire In-Lieu Fee Program allows Corps permittees, as compensation for their project impacts to aquatic resources of the United States in New Hampshire pursuant to Section 404 of the Clean Water Act, to make monetary payment in-lieu of permittee-responsible mitigation. Mitigation will likely be required for fills >10,000 SF, stream work >200 linear FT, and other circumstances (see Env-Wt 302 and 800). Information is provided at



<http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx> >>Mitigation>>New Hampshire In-Lieu Fee Program. Please note that this only applies to Corps required mitigation.

**4. Discretionary Authority.** Notwithstanding compliance with the terms and general conditions in these GPs, the Corps retains discretionary authority to require either a PCN (Minor/Major Impact Project) review or an Individual Permit review for any project, including a higher level review for a Minimum Impact Project, 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 impacts of the proposal warrant either a PCN (Minor/Major Impact Project) review or an 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 GPs and that warrants greater review. Whenever the Corps notifies an applicant that either a PCN (Minor/Major Impact Project) review or Individual Permit review is required, authorization under these GPs is void, and no work may be conducted until the Corps issues the required authorization or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under these GPs.

**5. Single and Complete Project.** The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. These GPs shall not be used for piecemeal work and shall be applied to single and complete projects.

**a)** For non-linear projects, a single and complete project must have independent utility. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed, even if the other phases were not built, can be considered as separate single and complete projects with independent utility.

**b)** Unless the Corps determines the activity has independent utility, all components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project.

**c)** For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e. single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. If any crossing requires a PCN (Minor or Major Impact Project) review or an individual permit review, then the entire linear project shall be reviewed as one project as a PCN (Minor or Major Impact Project) or the Individual Permit procedures.

**6. Use of Multiple General Permits.** The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the GPs does not exceed the acreage limit of the GP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under GP 8, with associated bank stabilization authorized by GP 9, the maximum acreage loss of waters of the United States for the total project cannot exceed 3 acres.



**7. Permit/Authorization Letter On-Site.** For PCN (Minor or Major Impact Projects) projects, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) 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 these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means these GPs, 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 authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

## **8. Historic Properties.**

**a)** No undertaking authorized by this GP shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), and the National Register of Historic Places can assist with locating information on:

- i) previously identified historic properties; and
- ii) areas with potential for the presence of historic resources, which may require

identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO.

**b)** For activities eligible for SV (Minimum Impact inland projects), proponents must ensure and document that the activity will not cause effects as stated in 9(a).

**c)** Proponents must submit a PCN (Minor or Major Impact Project) application to the Corps as soon as possible if the authorized activity may cause effects as stated in 7(a) to ensure that the Corps is aware of any potential effects of the permitted activity on any historic property that the consultation requirements of Section 106 of NHPA are satisfied.

**d)** All PCN (Minor or Major Impact inland projects): i) show notification to the SHPO (including your DES file number) for their identification of historic properties, ii) state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties, and iii) include any available documentation from the SHPO indicating that there are or are not historic properties affected. Starting consultation early in project planning can save proponents time and money.

**e)** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the District Engineer of what you have found, and stop all construction activities that may affect the remains and



artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

**10. Corps Property and Federal projects.**

a) No SV (Minimum Impact Project) work is allowed on Corps properties & Corps-controlled easements

b) In addition to any authorization under one or more of these GPs, proponents must contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents evidencing site-specific permission to work.

c) Any proposed alteration, modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), which could impair the usefulness of the Federal project in any manner or be injurious to the public interest is not eligible for a Minimum Impact project review and requires review and approval by the Corps pursuant to 33 USC 408. **Where Section 408 is applicable, a decision on a Department of the Army general permit application will not be rendered prior to the decision on a 408 request.**

**11. Federal Threatened and Endangered Species.**

a) No activity is authorized which: a) is likely to directly or indirectly jeopardize the continued existence of any listed or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat, as identified under the Federal Endangered Species Act (ESA); b) result in take of a listed species or adversely modifies designated critical habitat; or c) violates the ESA.

b) For listed species or critical habitat under U. S. Fish and Wildlife Service (USFWS) jurisdiction, a PCN (Minor or Major Impact Projects) is required when a proposed project may affect a listed species or designated critical habitat. To ensure compliance with the Endangered Species Act, project proponents must request an 'Official Species List' from the USFWS IPaC website <http://ecos.fws.gov/ipac> . This USFWS IPaC website will record the request and immediately email the list to you. Include the list with all applications. An activity is SV (Minimum Impact Project) eligible if the Official Species List states the northern long-eared bat (NLEB) (*Myotis septentrionalis*) is present BUT the activity: i) will not remove trees  $\geq 3$  inches dbh; ii) is not within the "buffer" of a NLEB hibernacula or maternity roost tree; and iii) does not involve work on an existing dam, riprap or bridges.

c) For listed species or habitat under NMFS jurisdiction, the Corps will coordinate with NMFS as appropriate for all work eligible for SV (Minimum Impact Project) that may have an effect on listed species or habitat; therefore SV (Minimum Impact Project) eligible project proponents are not required to check for listed species or habitat for their projects.



**d)** Federal applicants should follow their own procedures for complying with the requirements of the ESA. Work may be eligible for SV (Minimum Impact Project) if another Federal agency has satisfied the requirements of Section 7 of the ESA. Upon request, permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements.

**12. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g. National Park Service, U.S. Forest Service, Bureau of Land Management, U. S. Fish and Wildlife Service).

National Wild and Scenic Rivers System segments for New Hampshire as of February 2007, include: Wildcat Brook from its headwaters to the confluence with the Ellis River (administered through the White Mountain National Forest), and the Lamprey River from the West Epping Dam to the confluence with the Piscassic River (administered by the NPS, Northeast Region).

#### **14. Navigation.**

- a)** No activity may cause more than a minimal adverse effect on navigation.
- b)** Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.
- c)** Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. This is applicable to SV (Minimum Impact Project) and PCN (Minor or Major Impact Project). See Appendix D for a list of FNPs.
- d)** There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.
- e)** The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or 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.
- f)** An application to the Corps is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A.

**15. Federal Liability.** In issuing these GPs, 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 any of the GPs;
- d) design or construction deficiencies associated with the permitted work; and
- e) damage claims associated with any future modification, suspension or revocation of this permit.

**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. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the following construction mat best management practices:

- Mats should be in good condition to ensure proper installation, use and removal.
- Where feasible, mats should be carried and not dragged unless they are being used as a grading implement.
- Where feasible, place mats in a location that would minimize the amount needed for the wetlands crossing.
- Minimize impacts to wetland areas during installation, use, and removal.
- Install adequate erosion & sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, swamp mats.
- In most cases, construction mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.
- Provide standard construction mat BMP details to work crews.

## **17. Temporary Fill.**

- a) Temporary fill, construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- b) All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.



- c) Unconfined temporary impact authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).
- d) Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
- e) Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

#### **18. Restoration of Inland Wetland Areas.**

- a) 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 D in the "New England District Compensatory Mitigation Guidance" found at <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CompensatoryMitigationGuidance.pdf>
- b) The introduction or spread of invasive plant species in disturbed areas shall be controlled. If swamp or timber mats are to be used, they shall be thoroughly cleaned before re-use.
- c) In areas of authorized temporary disturbance, if trees are cut they shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- d) Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.

**19. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow, or during low tides.

**20. 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. Where possible, bank stabilization projects shall optimize the natural function of the shoreline, including self-sustaining stability to attenuate flood flows, fishery, wildlife habitat and water quality protection, while protecting upland infrastructure from storm events that can cause erosion as well as impacts to public and private property.



Applicants must use the least intrusive method to stabilize the bank, follow the details at Env-Wt 404 Criteria for Shoreline Stabilization and the following sequential minimization process: diversion of water, vegetative stabilization, stone-sloped surfaces, and walls. 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.

## **21. Waterway/Wetland Work and Crossings**

- a)** All temporary and permanent crossings of waterbodies and wetlands shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- b)** Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
- c)** All temporary and permanent crossings of rivers, streams, brooks, etc. (here on referred to as "streams") shall conform to the "New Hampshire Stream Crossing Guidelines, May 2009" [http://www.unh.edu/erg/stream\\_restoration/](http://www.unh.edu/erg/stream_restoration/). The Corps shall review projects under the Minor/Major Impact or IP review procedures if conforming to the Guidelines is impractical. The Guidelines typically require bridge spans, open bottom arches or embedded culverts. Bridge spans are generally preferred.
- d)** The requirements to comply with the Guidelines in order to proceed as a Minimum Impact Project as stated in (c) above does not apply to the following:
  - i. Temporary crossings in place for less than 90 days (the requirements in (a) do apply). Temporary culverts must be embedded unless they're installed during low flow (Jul. 15 – Oct. 1), the appropriate culvert radius is 36 inches or less, and the culvert is placed on geotextile fabric laid on the stream bed to ensure restoration to the original grade;
  - ii. Constructed drainage systems designed primarily for the conveyance of storm water or irrigation. Also, non-tidal drainage and irrigation ditches excavated on dry land are not Federally-regulated.
- e)** Only maintenance or replacement of serviceable crossings with an exact replica crossing (size, material, elevation, etc.) in the same footprint with no expansion or change in use/circumstances is considered as a maintenance project, and therefore may proceed as a Minimum Impact Project. Any deviation deems the crossing as "new." Note: The State of NH's maintenance provisions differ from the Corps and will likely require reporting and written authorization from the State.
- f)** Road crossings at wetland and waterbody crossings shall be installed in such a manner as to preserve hydraulic connectivity, at its present level, between the wetlands on either side of the road. The permittee shall take necessary measures to correct wetland damage due to lack of hydraulic connectivity.
- g)** No projects involving open trench excavation in flowing waters are allowed to proceed as a Minimum Impact project. Open trench excavation projects may qualify for a GP if they are reviewed pursuant to the Minor/Major Impact project review procedures and conditioned to protect the aquatic environment. Work should not occur in flowing waters (requires using management techniques such as temporary flume pipes, culverts, cofferdams, etc.) and normal flows are maintained within the stream



boundary's confines. Projects utilizing these management techniques must meet the other Minimum Impact Project requirements and all of the GP's terms and general conditions. If not, they will require review under the PCN (Minor/Major Impact project) review procedures.

**h)** Construction equipment crossing or accessing streams without using temporary bridges, culverts or cofferdams are not eligible as a SV (Minimum Impact Project). (Note: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of these GPs).

**i)** Projects which otherwise meet the definition of a SV (Minimum Impact Project), in-stream (e.g., rivers, streams, brooks, etc.) construction work shall be conducted only during the low flow period of July 15 – October 1 in any year. Projects conducted outside of that time period are ineligible as a SV (Minimum Impact project) and shall be reviewed pursuant to PCN (Minor/Major Impact project) procedures, regardless of the waterway and wetland fill and/or impact area.

**j)** Any work that impacts upstream or downstream flooding or wetlands must be reviewed under the PCN (Minor/Major Impact Project) procedures.

**22. Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. 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, Breeding, and Migratory Areas**

**a)** Jurisdictional activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities in jurisdictional waters that provide value as fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable.

**b)** Jurisdictional activities in waters of the U.S. that provide value as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any "take" permits required under the USFWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the USFWS to determine if such "take" permits are required for a particular activity. Information on spawning habitat for species managed under the Magnuson-Stevens Fishery Conservation and Management Act (i.e., EFH for spawning adults) can be obtained from the NMFS website at: [www.nero.noaa.gov/hcd](http://www.nero.noaa.gov/hcd).

**24. Storage of Seasonal Structures.** Coastal structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, 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 that minimizes any adverse impacts on existing fish, wildlife, and the environmental functions to the extent practicable. The permittee will discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency. See the section on Invasive Species at <http://www.nae.usace.army.mil/Regulatory/> for control methods.

**26. 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 shall be avoided. Hence, swamp and timber mats shall be thoroughly cleaned before reuse.
- b) Unless otherwise directed by the Corps, all applications for PCN inland projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan. Additional information can be found at [www.hort.uconn.edu/cipwg/](http://www.hort.uconn.edu/cipwg/)

**Procedural Conditions:**

**27. 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, and post-dredging survey drawings for any dredging work.

**28. Maintenance.** The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. This does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds in Appendix A – General Permit #7 as well as any conditions included in a written Corps authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a) (2).

**29. Property Rights.** These GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

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



**31. Modification, Suspension, and Revocation.** These GPs may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the U.S.

**32. Special Conditions.** The Corps may impose other special conditions on a project authorized pursuant to these GPs that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all general conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

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

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

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

**36. Duration of Authorization.** These GPs expire five years from the date issued as listed at the top of the cover sheet. Activities authorized by these GPs that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have an additional year from the expiration date to complete the work. The permittee must be able to document to the Corps' satisfaction that the project was under construction or under contract by the expiration date of these GPs. If work is not completed within the one year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization provided the project meets the terms and conditions of the NH GPs in effect at the time.

Activities authorized under these GPs will remain authorized until the GP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities completed under the SV (Minimum Impact Project) or PCN (Minor or Major Impact Project) authorizations of these GPs will continue to be authorized after its expiration date.



## **X. NH GP CONTACTS:**

### **1. FEDERAL**

U.S. Army Corps of Engineers  
New England District, Regulatory Branch  
696 Virginia Road  
Concord, MA 01742-2751  
(800) 343-4789, (978) 318-8335 (978) 318-8303 (fax)

U.S. Environmental Protection Agency  
Region 1, Attn Mark Kern  
5 Post Office Square  
Mail Code OEP06-3  
Boston, MA 02109-3912  
(617) 918-1589

(Federal Endangered Species)  
U.S. Fish and Wildlife Service  
70 Commercial Street  
Suite 300  
Concord, NH 02813  
(603) 223-2541

National Park Service National Park Service North Atlantic Region  
15 State Street  
Boston, Massachusetts 02109  
(617) 223-5191

(Federal Endangered Species & EFH)  
National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
Habitat Conservation Division  
55 Great Republic Drive  
Gloucester, MA 01930  
(978) 281-9102 or 9130

NOAA Restoration Center  
55 Great Republic Drive  
Gloucester, Massachusetts 01930  
(978) 281 9313



Natural Resources Conservation Service  
Federal Building  
2 Madbury Road  
Durham, NH 03824-2043  
(603) 868-7581

## **2. State**

DES Wetlands Bureau  
29 Hazen Drive  
Concord, NH 03302  
(603) 271-2147, (603) 271-6588 (fax)

New Hampshire Coastal Program  
222 International Drive, Suite 175  
Portsmouth, NH 03801  
(603) 559-1500, (603) 559-1510 (fax)

NH Division of Historical Resources  
State Historic Preservation Office  
19 Pillsbury Street Concord, NH 03301-3570  
(603) 271-3483

(State Endangered Species) Natural Heritage Bureau  
172 Pembroke Road  
P.O. Box 1856  
Concord, NH 03302  
(603) 271-2215, x323

(State Endangered Species)  
NH Fish and Game Department  
Non-Game Endangered Wildlife Program  
11 Hazen Drive  
Concord, NH 03302-0095  
(603) 271-3421



## 2. ORGANIZATIONAL WEBSITES

Corps of Engineers New England District <http://www.nae.usace.army.mil/Regulatory> and  
[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional\\_Limits\\_Brochure.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf)

SAV survey guidance:

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Submerged\\_Aquatic\\_Vegetation\\_Survey\\_Guidance.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance.pdf)

Environmental Protection Agency [www.epa.gov/owow/wetlands](http://www.epa.gov/owow/wetlands)

National Marine Fisheries Service, Northeast Region [www.nero.noaa.gov/hcd](http://www.nero.noaa.gov/hcd)

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

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

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

NH DES Wetlands Bureau [www.des.nh.gov/organization/divisions/water/wetlands/index.htm](http://www.des.nh.gov/organization/divisions/water/wetlands/index.htm)

NH wetlands rules [www.des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands](http://www.des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands)

NH Fish and Game Department [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us)

Marine [www.wildlife.state.nh.us/marine](http://www.wildlife.state.nh.us/marine)

NH Coastal Program <http://des.nh.gov/organization/divisions/water/wmb/coastal/index.htm>

NH Division of Historical Resources [www.nh.gov/nhdhr](http://www.nh.gov/nhdhr)

NH GIS [www.granit.unh.edu](http://www.granit.unh.edu)

NH Water Quality Certification Program

<http://des.nh.gov/organization/divisions/water/wmb/section401/index.htm>

Granit website: <http://www.granit.unh.edu/> (Has more than eelgrass- salt marsh, shellfish, etc.).

NMFS Habitat Conservation Division website (EFH):

<http://www.greateratlantic.fisheries.noaa.gov/habitat/index.html>

Natural Heritage Bureau (NHB) website, [www.nhnaturalheritage.org](http://www.nhnaturalheritage.org)



## APPENDIX A – GENERAL PERMITS

<b>GP 1. AIDS TO NAVIGATION &amp; TEMPORARY RECREATIONAL STRUCTURES</b> <b>(Section 10; navigable waters of the United States)</b> The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).	
<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
<p>No structures within Corps Federal Navigation Projects (FNP)</p> <p>Temporary oil spill cleanup structures and fill.</p> <p>Temporary buoys, markers, floats, etc. for recreational use during specific events, provided:</p> <ul style="list-style-type: none"> <li>• They are in place for no more than 30 days and are removed within 15 days after use is discontinued.</li> <li>• Proper/eco-friendly moorings must be used so chains or other connections don't rest on the bottom for buoys, floats and vessels located over vegetated shallows</li> <li>• Float stops, chains, or other devices must be used to provide <math>\geq 2.5</math>-foot clearance between the bottom of the float and the substrate during all tides</li> </ul> <p>Structures, buoys, floats and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose by the U.S. Coast Guard, provided:</p> <ul style="list-style-type: none"> <li>• Placement in the area is away from vegetated shallows</li> <li>• If placement in areas away from vegetated shallows isn't possible, proper/eco-friendly moorings are used so chains or other connections don't rest on the bottom.</li> </ul> <p><b>Note:</b> Federal Navigations projects are comprised of Federal Channels, anchorages, and turning basins.</p>	<p>Work not eligible for Minimum</p> <p>Aids to navigation or temporary markers, floats, etc. that are not to be removed within 30 days</p> <p>Aids to navigation or temporary markers, floats, etc. that are within a Corps FNP.</p> <p><b>Note:</b> A written authorization from the Corps is required prior to deploying any structures within a federal FNP.</p>



**GP 2. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED OR GRANDFATHERED STRUCTURES & FILLS (Section 10 & 404; tidal and non-tidal waters of the U.S.)**

Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. **Not authorized under GP 2:** Permanent loss in tidal waters < 1 acre or > 3 acres in non-tidal waters and/or wetlands.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 Waters</b></p> <p>Repair or maintenance of existing, currently serviceable, authorized structures and fills.</p> <p>Provided:</p> <p>Repair, replacement in-kind, or maintenance of existing, currently serviceable, authorized structures or fills:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed.</li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. Minor deviations for work involving piles shall adhere to one of the 4 methods in (i)-(iv) below: <ul style="list-style-type: none"> <li>i. Piles installed in-the-dry during low water or in-water between Nov. 15th – March 15th, or</li> <li>ii. Must be drilled and pinned to ledge, or</li> <li>iii. Vibratory hammers used to install any size and quantity of wood, concrete or steel piles, or</li> <li>iv. Impact hammers limited to one hammer and &lt;50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles &lt;12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile.</li> </ul> </li> </ul> <p>For (ii) – (iv) above:</p> <ul style="list-style-type: none"> <li>i. In-water noise levels shall not exceed &gt;187dB SEL re 1μPa or 206dB peak re 1μPa at a distance &gt;10m from the pile being installed., and</li> <li>ii. In-water noise levels &gt;155dB peak re 1μPa shall not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise below 155dB peak re 1μPa) must be provided between work days.</li> </ul> <p><b>Section 404 Waters</b></p> <p>Repair/maintenance of existing, currently serviceable, authorized fills, including maintenance of existing flood control facilities, with no expansion or change in use.</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply</li> <li>• Minor deviations in fill design allowed.</li> </ul> <p><b>Note:</b> Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a) (2)</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 Waters</b></p> <p>Repair/maintenance of currently serviceable authorized fills with expansion or a change in use &lt;1 acre.</p> <p>Replacement of non-serviceable authorized fills, including expansion or a change in use &lt;1 acre.</p> <p>Repair/maintenance of currently serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p>Replacement of non-serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p><b>Section 404 waters</b></p> <p>Repair/maintenance of existing, currently- serviceable, authorized fills, with an expansion or a change in use ≥3000 SF and &lt;3 acres.</p> <p>Replacement of non-serviceable authorized fills ≥3000 SF and &lt;3 acres.</p> <p><b>Note:</b> The State's maintenance provisions differ from the Corps and may require written authorization from the State, even though it's not required from the Corps. For example, the state <b>does not</b> grandfather wetland fill.</p> <p><b>Note:</b> Grandfathered dates for Corps purposes only:</p> <p>Work performed and structures installed before 1968 (Section 10);</p> <p>Fill placed before 1975 (section 404)</p>



**GP 3. MOORINGS (Section 10; navigable waters of the U. S.)**

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

**Not authorized under GP 3 are:** Moorings within Federal Navigation channel and the federal channel buffer zones.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p>Private, non-commercial, non-rental, single-boat moorings and temporary moorings to facilitate construction or dredging</p> <p>Provided:</p> <ul style="list-style-type: none"><li>• Proper/eco-friendly moorings are used so chains or other connections do not rest on the bottom in vegetated shallows.</li><li>• Authorized by the local harbormaster and/or NH Port Authority.</li><li>• Not associated with a boating facility.</li><li>• Moorings in Federal Anchorage not associated with a boating facility.</li><li>• Not located within the buffer zone of the horizontal limits of a Federal Channel.</li><li>• No interference with navigation.</li></ul> <p><b>Note:</b> Moorings within Federal Navigation projects are not authorized as minimums.</p>	<p>Work not eligible for Minimum</p> <p>Moorings located such that they and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits of a Federal Anchorage require a written authorization from the Corps.</p> <p><b>Note:</b> The buffer zone is equal to 3 times the authorized depth of that channel.</p> <p>Moorings associated with an existing boating facility*</p> <p>Private moorings without harbormaster or local approval.</p> <p>Locating new individual moorings in SAS, including eelgrass, should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides or helical anchors, or equivalent SAS protection systems, where practicable. For moorings that appear to impact SAS, the Corps may require an eelgrass survey.</p> <p>*Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.</p>



**GP 4. PILE-SUPPORTED STRUCTURES & FLOATS, INCLUDING BOAT LIFTS/HOISTS & OTHER MISCELLANEOUS STRUCTURES & WORK (Section 10 & 404; navigable waters of the U.S.)** New, expansions, reconfigurations or modifications of structures for navigation access including floats and boat/float lifts.

**Not authorized under GP 4 are:** (a) fill or excavation; (b) no structures within Federal Navigation Channels; or (c) structures associated with a NEW boating facility\*.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p>No allowances for new pile-supported structures and floats</p> <p>Reconfiguring previously authorized structures within an existing boating facility provided those structures do not extend beyond the existing perimeter of the facility</p> <p><b>Note:</b> Section 404 jurisdiction extends from the highest observable tide line (HOTL) waterward in tidal areas</p> <p><b>Note:</b> Pile supported structures with no discharges of dredged or fill material are not regulated by the Corps in any section 404 areas</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>All SAS and shellfish beds within the project area shall be delineated.</p> <p>Recommendations for private structures and floats:</p> <ul style="list-style-type: none"> <li>• Bottom-anchored floats &lt;400 SF</li> <li>• Pile-supported structures for navigational access to the waterway &lt;400 SF with attached floats &lt;150 SF.</li> <li>• Pile-supported structures are &lt;6' wide and have at least a 1:1 height: width ratio.</li> <li>• Float stops, chains, or other devices must be used to provide <math>\geq 2.5</math>-foot clearance between the bottom of the float and the substrate during all tides.</li> <li>• Pile-supported structures &amp; floats are not located within 25' of vegetated shallows and moored vessels are not positioned over SAS.</li> <li>• Structures extend <math>\leq 75</math> FT waterward from MHW.</li> <li>• No structure extends across &gt;25% of the waterway width at MLW.</li> <li>• Not located within the buffer zone of the horizontal limits of an Federal Navigation Project.</li> </ul> <p>Discharges of dredged or fill material below the HOTL facilitating the construction of structures</p> <p><b>*Boating Facility:</b> Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.</p>



**GP 5. BOAT RAMPS AND MARINE RAILWAYS (Sections 10 and 404; tidal and non-tidal waters of the U.S.)** Activities required for the construction of boat ramps and marine railways, including excavation and fill.

**Not authorized under GP 5:** (a) Permanent and temporary fill >3 acres of non-tidal waters and/or wetlands, (b) permanent loss < 1 acre in tidal waters; or (c) dredging in navigable waters of the U.S. (see GP 7)

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 Waters</b></p> <p>No new or previously unauthorized fills, other than:</p> <p><b>Section 404 Waters</b></p> <p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li> </ul> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters</li> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> <li>• No work on Corps properties &amp; Corps-controlled easements.</li> </ul>	<p>Work not eligible for Minimum</p> <p><b>Section 10 Tidal Waters</b></p> <p>Fill area ≤1 acre waterway fill and secondary waterway impacts (e.g., areas drained, flooded, cleared, or fragmented). Fill area includes all temporary and permanent waterway fills. Excludes work in SAS and shellfish beds.</p> <p>Specific activities with impacts of any area required to effect the containment, stabilization, or removal of hazardous or toxic waste materials performed, ordered or sponsored by a government agency with established legal or regulatory authority. Wetlands must be restored in place.</p> <p><b>Section 404 and Non-tidal section 10 Waters</b></p> <p>Fill area 3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Other temporary or permanent fill areas and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects (see GCs 16 &amp; 17).</p> <p>Specific activities with impacts of any area required to effect the containment, stabilization, or removal of hazardous or toxic waste materials performed, ordered or sponsored by a government agency with established legal or regulatory authority. Wetlands must be restored in place.</p>



**GP 6. UTILITY LINE ACTIVITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)**

Activities required for the construction, maintenance, repair, & removal of utility lines. This GP includes, but is not limited to, utility lines such as: electric, water, oil, sewer, gas or cable. Activities including excavation, bedding and backfill, outfall and intake structures, and associated facilities within Corps jurisdiction. This GP authorizes the construction of access roads to facilitate construction of the above activities provided the activity, in combination with all other activities are included in one single and complete project, does not cause the permanent loss of greater than 3 acres of non-tidal waters of the U.S

**Not authorized under GP 6:** (a) Permanent and temporary loss >3 acres of non-tidal waters and/or wetlands, (b) permanent loss >1 acre in tidal waters; or (c) blasting or storage of equipment in wetlands.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
<p><b>Section 10 &amp; 404 Waters</b></p> <p>No storage of equipment in wetlands.</p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>No fill in tidal waters.</p> <p>No submarine utility lines in tidal waters.</p> <p>No new culvert crossings of perennial streams</p> <p><b>Section 404 Waters</b></p> <p>&lt;3,000 SF per crossing of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Provided:</p> <ul style="list-style-type: none"><li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li></ul> <p>This category excludes:</p> <ul style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in EFH waters</li><li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li><li>• No work on Corps properties &amp; Corps-controlled easements.</li></ul>	<p>Work not eligible for Minimum.</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>Overhead utility lines constructed over Section 10 waters and submarine utility lines that are routed in or under such waters.</p> <p><b>Section 404 Waters</b></p> <p>Installation of new, permanent culvert crossings of perennial streams.</p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Other temporary or permanent fill and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects.</p> <p>The applicant shall delineate all special wetlands on the property using Federal delineation methods (see GC 2). The Corps and the DES may waive these delineation requirements on a case-by-case basis after consultation with each other, the EPA and U.S. FWS.</p>



**GP 7. DREDGING** (Section 10; navigable waters of the U.S.), **DISPOSAL OF DREDGED MATERIAL** (Sections 10, 404 & 103; tidal waters of the U.S.), **BEACH NOURISHMENT** (Sections 10 & 404; tidal and non-tidal waters of the U.S.); **ROCK REMOVAL** (Section 10, navigable waters of the U.S.) and **ROCK RELOCATION** (Sections 10 & 404; tidal and non-tidal waters of the U.S.) New dredging and maintenance dredging, including: a) Disposal of dredged material at a confined aquatic disposal, beach nourishment, near shore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; (b) Beach nourishment not associated with dredging; (c) Rock removal and relocation for navigation.

**Not authorized under GP 7 are:** (a) New dredging with >1000 SF of loss to intertidal areas; (b) All dredging and/or disposal with >1000 SF of loss to tidal Special Aquatic Sites (SAS), other than vegetated shallows or >100 SF of loss to vegetated shallows; (c) new dredging where the primary purpose is sand mining for beach nourishment; (d) Beach scraping; (e) Rock removal and relocation for navigation >1/2 acre; or (f) blasting.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Sections 10, 103, 404 Waters</b></p> <p>No tidal dredging except for maintenance of intakes/outfalls by divers with suction equipment.</p> <p><b>Note:</b> New dredging is Not authorized where the primary purpose is sand mining for beach nourishment.</p> <p><b>Section 404 Waters only</b></p> <p>Boulder relocation impacting &lt; 3,000 sq ft within lakes and ponds</p>	<p>Work not eligible for Minimum.</p> <p><b>Sections 10, 103, 404 Waters</b></p> <p>For waters that are subject to the ebb &amp; flow of the tide, maintenance dredging or new dredging &lt;20,000SF (may be mechanical or hydraulic dredging).</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Dredging &amp; disposal operation limited to Nov 15-Mar 15.</li> <li>• No impacts to SAS or shellfish beds.</li> <li>• Disposal includes:               <ol style="list-style-type: none"> <li>1. upland disposal;</li> <li>2. near shore disposal or beach nourishment of any size provided the primary purpose of the dredging is navigation; or</li> <li>3. open water &amp; confined aquatic disposal cells (CAD Cells), if Corps, in consultation with Federal and State agencies, finds the material suitable.</li> </ol> </li> </ul> <p>For Federally-designated navigable waters (see def. of Tidal/ Navigable Waters of the U.S. above), maintenance dredging of any area &gt;3,000 SF or new dredging of any area. Includes return water from upland contained disposal area.</p> <p>Projects with proactive restoration (SAS, shellfish beds, anadromous fish run, etc.) as a primary purpose with impacts of any size.</p> <p>Specific activities with impacts of any area or cubic yardage required affecting the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority may be reviewed as a Minor/Major Impact project. Wetlands must be restored in place.</p> <p>All SAS and shellfish beds within the project area shall be delineated.</p>



**GP 8. DISCHARGES OF DREDGED OR FILL MATERIAL INCIDENTAL TO THE CONSTRUCTION OF BRIDGES (Sections 10 & 404; navigable waters of the U.S.)**

Discharges of dredged or fill material incidental to the construction and modification of bridges across navigable waters of the U.S., including cofferdams abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard issues a bridge permit or appropriate approval.

**Not authorized under GP 8 are:** causeways.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p>No storage of equipment in wetlands.</p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>No new or previously unauthorized fills 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 issues a bridge permit or appropriate approval.</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters</li> </ul> <p><b>Section 404 Waters</b></p> <p>&lt;3,000 SF per crossing of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Stream crossings conform with the NH Stream Crossing Guidelines and this document's general conditions.</p> <ul style="list-style-type: none"> <li>• In-stream work limited to Jul 15-Oct 1.</li> <li>• Culverts at waterbody crossings preserve hydraulic connectivity, at its present level, between the wetlands on either side of the road.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• No open trench excavation in flowing waters.</li> <li>• Work in SAS and special wetlands.</li> <li>• No work on Corps properties &amp; Corps-controlled easements.</li> </ul> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> </ul>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>No storage of equipment in wetlands.</p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p>Causeways and approach fills.</p> <p><b>Section 404 Waters</b></p> <p>3,000 SF to <math>\leq 3</math> acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines.</p> <p>All SAS &amp; special wetlands within the project area shall be delineated.</p>



**GP 9. SHORELINE AND BANK STABILIZATION PROJECTS (Sections 10 & 404; tidal and non-tidal waters of the U.S.)**

Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Includes bulkheads, seawalls, riprap, revetments/slope protection and similar structures as well as vegetative planting, soil bioengineering or alternative techniques that are a combination of the two (e.g. living shorelines), specifically for the purpose of shoreline protection.

**Not authorized under GP 9 are:** (a) Inland bank stabilization projects >100 LF in total length including both stream banks; (b) Permanent loss > 1 acre in tidal waters, (c) Stream channelization or relocation activities; or (d) breakwaters, groins and jetties.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
<p><b>Section 10 Waters</b></p> <p>No vertical stone structures or embankments angled steeper than 1H:1V. No new bulkheads.</p> <p>≤1 cubic yard of fill per linear foot placed waterward of ordinary high water (OHW) and no fill within the streambed beyond the toe of slope of the stream bank.</p> <p>Excludes:</p> <ul style="list-style-type: none"><li>• No open trench excavation in flowing waters (GC 22).</li><li>• Work in EFH waters (see GC 11).</li></ul> <p><b>Note:</b> Soft stabilization measures such as bioengineered fiber roll revetments or equivalent, wherever practicable.</p> <p><b>Section 404 Waters</b></p> <p>Inland bank stabilization &lt;50 FT long and &lt;1 CY of fill per linear foot below ordinary high water (OHW)</p> <p>Provided:</p> <ul style="list-style-type: none"><li>• In-stream work limited to Jul 15-Oct 1.</li><li>• No work in SAS and special wetlands.</li><li>• No open trench excavation in flowing waters</li><li>• No structures angled steeper than 3H:1V allowed. Only rough-faced stone or fiber roll revetments allowed.</li><li>• No work on Corps properties &amp; Corps-controlled easements</li></ul> <p>Stream crossings conform with the NH Stream Crossing Guidelines and this document's general conditions.</p> <ul style="list-style-type: none"><li>• In-stream work limited to Jul 15-Oct 1.</li><li>• Culverts at waterbody crossings preserve hydraulic connectivity, at its present level, between the wetlands on either side of the road.</li></ul>	<p>Work not eligible for Minimum.</p> <p><b>Section 10 Waters</b></p> <p>&gt;1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or HTL.</p> <p>The slope of the structure is steeper than 1V:1H in tidal waters and streams.</p> <p>Fill waterward of the HTL in coastal waters including alternative stabilization techniques that are a combination of soft and hard shoreline stabilization techniques that will affect SAS, change the natural shoreline configuration or alter natural or ecological processes.</p> <p><b>Section 404 Waters</b></p> <p>The slope of the structure is steeper than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams</p> <p>Inland bank stabilization projects ≥100 FT long or ≥1 CY per linear foot below OHW.</p> <p>All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines.</p>



**GP 10. AQUATIC HABITAT RESTORATION, ESTABLISHMENT & ENHANCEMENT**

**ACTIVITIES (Sections 10 and 404; tidal and non-tidal waters of the U.S.)** Activities in waters of the United States associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal streams & associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services.

**Not authorized under GP 10:** Artificial reefs, Conversions of wetlands to open water

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
<p><b>Section 10 Waters</b></p> <p>Pro-active salt marsh restoration work for the purposes of restoring subsiding marsh surfaces and dieback areas.</p> <p>No new ditching to eliminate mosquito breeding habitat</p> <p>No thin layer deposition</p> <p>No fill for purposes of converting marsh to upland</p> <p>Placement of seed shellfish, spatted-shell or cultch in tidal waters for the restoration or enhancement of existing, publicly-managed, non-commercial recreational shellfish beds provided there is no impact to SAS (e.g. SAV) and does not result in degradation of habitat for other aquatic resources.</p> <p><b>Section 404 Waters</b></p> <p>Fill area <math>\leq 3,000</math> square feet (SF) of inland waterway and/or wetland fill (permanent and temporary) provided the activity is supported in writing by a local, state, or non-Corps Federal environmental resource management agency.</p> <p>No stream channelization.</p> <p>This category excludes:</p> <ul style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li><li>• No work on Corps properties &amp; Corps-controlled easements</li></ul>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></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, such that the net effects are beneficial.</p> <p>Integrated Marsh Management for combined wetland enhancement and mosquito control.</p> <p>Dam removals</p> <p><b>Section 10 Waters</b></p> <p>Projects with proactive restoration (SAS, anadromous fish runs, shellfish beds, etc.) as a primary purpose with impacts of any size.</p> <p><b>Section 404 Waters</b></p> <p>Pond or lake reestablishment or restoration</p> <p>Water impoundments</p> <p>Projects with proactive restoration as a primary purpose with impacts of any size.</p>



**GP 11. FISH & WILDLIFE HARVESTING, ENHANCEMENT AND ATTRACTION DEVICES AND ACTIVITIES**

(Sections 10 and 404; tidal and non-tidal waters of the U.S.) Activities in waters of the United States associated with fish and wildlife harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.).

Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impoundment area.

**Not authorized by GP 11 are:** (a) Artificial reefs, impoundment(s) or semi-impoundment(s) of water; (b) Permanent loss > 1 acre in tidal waters, and (c) Shellfish dredging, either mechanical or hydraulic in SAS.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p>Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, shellfish seeding, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). Provided there is no hazard to navigation and no sites that support submerged aquatic vegetation. 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, or the use of covered oyster trays or clam racks</p> <p>Scientific measurement devices, and small weirs and flumes constructed primarily to record water quantity and velocity provided the discharge of fill is limited to 10 cubic yards. No work may restrict movement of aquatic species or potentially threaten to impact or entangle sea turtles or marine mammals in near-coastal waters.</p>	<p>Work not eligible for Minimum</p> <p>Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impounded area <math>\leq 1/2</math> acre</p> <p>Devices located in tidal SAS, including salt marsh and SAV.</p>



**GP 12. OIL SPILL AND HAZARDOUS MATERIAL CLEANUP (Sections 10 and 404; tidal and non-tidal waters of the U.S.)** Special Aquatic Sites must be restored in place at the same elevation.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p>1. Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:</p> <p style="padding-left: 40px;">The Spill Prevention, Control and Countermeasure Plan required by 40 CFR 112.3; or</p> <p style="padding-left: 40px;">The direction or oversight of the Federal on-site coordinator designated by 40 CFR 300; or</p> <p>Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl (PCB) spill response regulations at 40 CFR 761.</p> <p>Booms placed in navigable waters for hazardous and toxic waste containment, absorption and prevention, provided they are removed upon completion of the cleanup.</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>Permanent structures or impacts for spill response training exercises</p> <p>The activity is planned or scheduled, not an emergency response, within Corps jurisdiction.</p> <p>Specific activities with impacts of any area or cubic yardage required affecting the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority may be reviewed as a Minor/Major Impact project. Wetlands must be restored in place.</p>



**GP 13. CLEANUP OF HAZARDOUS AND TOXIC WASTE (Sections 10 and 404; tidal and non-tidal waters of the U.S.)** Specific activities to effect the containment, stabilization or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements which are performed, ordered or sponsored by a government agency with established legal or regulatory authority.

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

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 Waters</b></p> <p>Booms placed in navigable waters for oil and hazardous substance containment, absorption and prevention, provided they are removed upon completion of the cleanup.</p> <p><b>Section 404 Waters</b></p> <p>≤3,000 SF of permanent and temporary fill in non-tidal waters and wetlands</p> <p><b>Note:</b> Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>Specific activities with impacts of any area or cubic yardage required affecting the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority may be reviewed as a Minor/Major Impact project. Wetlands must be restored in place.</p>



**GP 14. SCIENTIFIC MEASUREMENT DEVICES (Sections 10 and 404; tidal and non- tidal waters of the U.S.)** Scientific devices for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Also eligible are small temporary weirs and flumes constructed primarily to record water quantity and velocity. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable.

**Not authorized under GP 14 are:** (a) Permanent and temporary loss >3 acres in non-tidal waters and wetlands; and (b) Permanent and temporary impacts >1 acre in tidal waters.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p>Temporary devices in tidal waters that do not restrict movement of aquatic organisms and will not adversely affect the course, condition or capacity of a waterway for navigation.</p> <p>Temporary devices in tidal wetlands with impacts <math>\leq 100</math> SF</p> <p>Scientific measurement devices, and small weirs and flumes constructed primarily to record water quantity and velocity provided the discharge of fill is limited to 10 cubic yards. No work may restrict movement of aquatic species or potentially threaten to impact or entangle sea turtles or marine mammals in near-coastal waters.</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>Permanent devices in tidal and non-tidal waters</p> <p><b>Section 10 Waters</b></p> <p>fill area &gt;100 SF to &lt; 1 acre in tidal wetlands</p> <p><b>Section 404 Waters</b></p> <p>Permanent or temporary fill area &gt;3,000 SF to &lt; 3 acres in non-tidal</p> <p><b>NOTE:</b> Upon completion of the use of the device to measure and record scientific data, the measuring device, and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.), must be removed to the maximum extent practicable.</p>



**GP 15. SURVEY ACTIVITIES (Sections 10 and 404; tidal and non-tidal waters of the U.S.)**

Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching and historic resources surveys.

**Not authorized under GP 15 are:** (a) Permanent and temporary loss >3 acres of non-tidal waters and/or wetlands, and (b) permanent and temporary loss >1 acre in tidal waters.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p>No permanent structures or drilling and discharge of excavated material from test wells for oil and gas exploration allowed.</p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>No fill or work in tidal wetlands.</p> <p><b>Section 404 Waters</b></p> <p>Impacts <math>\leq 3,000</math> SF in non-tidal waters and wetlands.</p> <p>Survey activities including core sampling, seismic exploratory operations, plugging of seismic shot holes, other exploratory-type bore holes and oil and gas test wells, soil survey and sampling, and historic resources surveys. Discharges and structures associated with the recovery of historic resources are not authorized. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized. Fill placed for roads, pads and other similar activities is not authorized, nor is any permanent structure.</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>Permanent and temporary fill area &gt;1 acre in tidal waters.</p> <p><b>Section 404 Waters</b></p> <p>Fill area &gt;3,000 SF to &lt;3 acres in non-tidal waters and wetlands</p>



**GP 16. AQUACULTURE PROJECTS AND FISHERIES (Sections 10 and 404, navigable waters of the US)** No shellfish dredging, including mechanical or hydraulic in SAS, including SAV, no placement of cultch in beds of SAV. Depth of cultch or spatbed-shell limited to the minimum necessary for full coverage of the framed bed bottom & must not result in visible degradation of habitat for other aquatic resources. All structures must be marked in conformance with applicable NH State and or U.S. Coast Guard Aids to Navigation.

**Not authorized under GP 16 are:** loss to Special Aquatic Sites, including Submerged Aquatic Vegetation

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 Waters</b></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>Aquaculture projects that don't exceed 1,000 SF in area, aren't located in SAS or intertidal areas, culture only indigenous species, use only "transient gear" type cages or bottom culture with predator netting, are marked to inform mariners of the location of the gear, have a minimum clearance of 3 FT between the top of the gear and the elevation of MLW in areas where the elevation of the sea floor is above Elevation - 15 FT MLW, have a minimum clearance of 10 FT between the top of the gear and the elevation of MLW in areas where the elevation of the sea floor is equal to or below Elevation -15 FT MLW, and have been reviewed and approved in writing by the NH DES and NH Fish &amp; Game.</p> <p>Aquaculture projects that qualify under a Minimum Impact permit shall provide to the Corps:</p> <ol style="list-style-type: none"> <li>1) a copy of their NH State application and NH Fish and Game license including State plane coordinates of the facility boundary in feet or meters</li> <li>2) Documentation that the applicant has coordinated with the US Coast Guard specifically regarding USCG Private Aids to Navigation standards</li> <li>3) Documentation that they contacted their local harbormaster and/or NH Port Authority for authorization of their facility</li> </ol> <p><b>Section 404 Waters</b></p> <p>In the case of proposed aquaculture operations occupying bottom substrate (Section 404) the Army Corps of Engineers and/or the N.H. Dept of Environmental Services may require additional authorization.</p>	<p>Work not eligible for Minimum.</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p>Installation of intake and discharge structures for a land-based hatchery.</p> <p>Aquaculture projects that do not meet the terms of a Minimum Impact project</p> <p><b>Section 10 Waters</b></p> <p>Vertical-drop longlines for the culture of shellfish or other marine organisms, such as kelp and seaweed.</p> <p>Cages, trays, racks, netting or other structures on the ocean bottom or floating on the water surface for the rearing or depuration of cultured shellfish.</p> <p>Research, educational or experimental aquaculture gear for indigenous species that exceed &gt;1,000 SF.</p> <p>Shellfish dredging, either mechanical or hydraulic in SAS.</p> <p>Activities that involve a change from authorized gear for bottom culture to floating or suspended gear.</p> <p>Projects with proactive restoration (SAS, anadromous fish runs, shellfish beds, etc.) as a primary purpose with impacts of any size.</p>



**GP 17. NEW/EXPANDED COMMERCIAL & RESIDENTIAL DEVELOPMENTS & RECREATIONAL FACILITIES (Section 404, non-tidal waters of the U.S.)**

Discharges of dredged or fill material for the construction or expansion of developments and/or recreational facilities. Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation.

**Not authorized under GP 17 are:** (a) Permanent and temporary loss >3 acres in non-tidal waters and wetlands; (b) Stormwater treatment or detention systems, or subsurface sewerage disposal systems in waters of the U.S.; and (c) New roadway and driveway crossings in non-tidal waters and/or wetlands. (See GPs 18 & 19)

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p>&lt;3,000 SF per crossing of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback). Swamp mats and corduroy roads are considered as fill (see General Condition (GC) 18).</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li> </ul> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters</li> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> <li>• No Work on Corps properties &amp; Corps-controlled easements</li> </ul>	<p>Work not eligible for Minimum</p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback). Swamp mats and corduroy roads are considered as fill (see GC 18).</p> <p>Swamp mats of any area necessary to conduct activities that were previously authorized, authorized under a Minimum Impact permit, or not subject to regulation.</p> <p>Other temporary or permanent fill and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects.</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines.</p> <p>Projects with proactive restoration as a primary purpose with impacts of any size.</p> <p>All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.</p>



**GP 18. LINEAR TRANSPORTATION PROJECTS (Section 404, non-tidal waters of the U.S.)**

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

**Not authorized under GP 18 are:** (a) Permanent and temporary impacts for any single and complete project that are >3 acres.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p data-bbox="123 543 696 743">&lt;3,000 SF per crossing of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p data-bbox="123 774 241 806">Provided:</p> <ul data-bbox="123 840 696 942" style="list-style-type: none"><li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li></ul> <p data-bbox="123 974 404 1005">This category excludes:</p> <ul data-bbox="123 1039 696 1247" style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li><li>• No work on Corps properties &amp; Corps-controlled easements.</li></ul> <p data-bbox="123 1278 241 1310">Provided:</p> <p data-bbox="123 1344 558 1375">No storage of equipment in wetlands.</p> <p data-bbox="123 1409 696 1501">Work must be performed in accordance with Stream Crossing Best Management Practices located at:</p> <p data-bbox="123 1512 696 1604"><a href="http://www.nae.usace.army.mil/Missions/Regulatory.aspx">http://www.nae.usace.army.mil/Missions/Regulatory.aspx</a> go to State General Permits, Resources, Best Management Practices.</p> <p data-bbox="123 1638 696 1772"><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p>	<p data-bbox="721 543 1094 575">Work not eligible for Minimum</p> <p data-bbox="721 609 1378 806">3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback). Swamp mats and corduroy roads are considered as fill (see GC 18).</p> <p data-bbox="721 840 1378 942">Swamp mats of any area necessary to conduct activities that were previously authorized, authorized under a Minimum Impact permit, or not subject to regulation.</p> <p data-bbox="721 974 1378 1077">Other temporary or permanent fill and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects.</p> <p data-bbox="721 1110 1378 1178">Stream crossings not conforming with the NH Stream Crossing Guidelines.</p> <p data-bbox="721 1211 1427 1346">All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.</p> <p data-bbox="721 1379 1427 1482"><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p>



**GP 19. ENERGY GENERATION & RENEWABLE ENERGY GENERATION FACILITIES (Sections 10 and 404; tidal and non-tidal waters of the U.S.) and HYDROPOWER PROJECTS (Section 404; tidal and non-tidal waters of the U.S.)** Structures and work in navigable waters of the U.S. and discharges of dredged or fill material into tidal and non-tidal waters of the U.S. for the construction, expansion, modification or removal of: (a) Land-based energy generation & renewable energy production facilities, including attendant features; (b) Water-based energy generation, wind or hydrokinetic renewable energy generation pilot projects and their attendant features; and (c) Discharges of dredged or fill material associated with hydropower projects. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots. For each single and complete project in (b) above, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized in navigable waters of the U.S.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters <ul style="list-style-type: none"> <li>Work in tidal wetlands and waters</li> </ul> </li> </ul> <p><b>Section 404 Waters</b></p> <p>&lt;3,000 SF per crossing of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li> </ul> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> <li>• No Work on Corps properties &amp; Corps-controlled easements</li> </ul>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 10 Waters</b></p> <p>Water-Based Renewable Energy Generation Pilot Projects: Structures and work in Navigable waters of the U.S. and discharges of dredged or fill material into waters of the U.S. for the construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities. For the purposes of this GP, the term "pilot project" means an experimental project where the renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.</p> <p><b>Section 404 Waters</b></p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback). Swamp mats and corduroy roads are considered as fill.</p> <p>Swamp mats of any area necessary to conduct activities that were previously authorized, authorized under a Minimum impact permit, or not subject to regulation.</p> <p>Other temporary or permanent fill and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects.</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines. All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.</p>



**GP 20. MINING ACTIVITIES (Section 404 & Section 10; non-tidal waters of the U.S.)**

Discharges of dredged or fill material into non-tidal waters and wetlands for mining activities.

**Not authorized by GP 20 are:** (a) Permanent and temporary fill >3 acres of non-tidal waters and/or wetlands, and (b) permanent and temporary impacts >1 acre in tidal waters.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 404 Waters</b></p> <p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>No mechanical in stream work in documented fishery areas</p> <p>Provided:</p> <ul style="list-style-type: none"><li>• Projects comply w/all GCs, including: GC 5 - Single and Complete Projects GC 3 - Avoidance, Minimization and Mitigation</li></ul> <p>This category excludes:</p> <ul style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li><li>• No work on Corps properties &amp; Corps-controlled easements</li></ul> <p>No stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 404 Waters</b></p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback). Swamp mats and corduroy roads are considered as fill.</p> <p>Swamp mats of any area necessary to conduct activities that were previously authorized, authorized under a Minimum Impact permit, or not subject to regulation.</p> <p>Other temporary or permanent fill and associated secondary impacts ≥3,000 SF are reviewed as Minor Impact Projects.</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines.</p> <p>All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.</p> <p>Stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams occurs</p>



**GP 21. TEMPORARY FILL NOT ASSOCIATED WITH A PROJECT WITHIN CORPS**

**JURISDICTION (Section 404 & Section 10, non-tidal waters of the U.S.)** Temporary discharges, such as sandbag/earth cofferdams, access fills, etc., necessary for construction activities or dewatering of construction sites. **Not authorized by GP 21 are:** temporary impacts > 3 acres for projects not using timber mats.

**Self-Verification (SV) (Minimum)****Section 404 Waters**

Fill area  $\leq 3,000$  square feet (SF) per crossing of temporary inland waterway and/or wetland fill provided:

Temporary discharges are in place for <2 growing seasons.

This category excludes:

- Dams, dikes, or activities involving water diversions.
- Work in EFH waters
- Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.
- No work on Corps properties & Corps-controlled easements

**Pre-Construction Notification (PCN) Required (Minor / Major)**

Work not eligible for Minimum

**Section 10 & 404 Waters**

**NOTE:** Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.

**Section 404 Waters**

All SAS & special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis in consultation with the EPA, NMFS and U.S. FWS.



**GP 22. AGRICULTURAL ACTIVITIES (Section 404 & Section 10, non-tidal waters of the United States)**

Discharges of dredged or fill material in non-tidal waters of the U.S. for agricultural activities with impact to non-tidal waters and wetlands such as pads for barn/greenhouse, mechanized land clearing, land leveling and installation of drainage tiles for irrigation. Also includes the relocation or modification of existing, serviceable drainage ditches in wetlands and farm ponds not meeting the exemption.

**Note:** Some discharges for agricultural activities may qualify for an exemption under Section 404(f)(1) of the Clean Water Act (see 33 CFR 323.4). GP 22 is intended to cover those agricultural discharges that do not qualify for agricultural exemption and/or are subject to the recapture provision under section 404(f)(2) of the Act.

**Not authorized by GP 22 are:** aquaculture fish ponds in waters of the U.S.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 404 Waters</b></p> <p>Fill area <math>\leq 3,000</math> square feet (SF) per crossing of inland waterway and/or wetland fill (permanent and temporary)</p> <p>This category excludes:</p> <ul style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li><li>• No work on Corps properties &amp; Corps-controlled easements</li></ul> <p>Not authorized under GP 22 are the construction of farm ponds in perennial streams.</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 &amp; 404 Waters</b></p> <p><b>NOTE:</b> Construction (timber) mats of any area necessary to conduct activities for new and maintenance work and should be removed as soon as work is completed.</p> <p><b>Section 404 Waters</b></p> <p>Work that does not qualify for exemption under Section 404(f) of the Clean water Act.</p> <p>Permanent and temporary impacts are <math>&gt;3000</math> SF to <math>&lt;3</math> acres in non-tidal waters and wetlands or will impact non-tidal SAS, other than non-tidal wetlands.</p> <p>New drainage ditches in wetlands.</p> <p>Stream channelization, relocation, impoundments, loss of streambed or farm ponds in non-perennial streams will occur.</p> <p>The activity causes turbidity or sediment suspension in non-tidal streams</p> <p>Construction of farm ponds not meeting the Section 404(f)(1) exemption</p>



**GP 23. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED OR GRANDFATHERED Dams (Section 10 & 404; tidal and non-tidal waters of the U.S.)**

Repair, rehabilitation, or replacement of any previously authorized, currently serviceable dam, or fill. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Section 10 Waters</b></p> <p>Repair or maintenance of existing, currently serviceable, authorized structures and fills.</p> <p>Provided:</p> <p>Repair, replacement in-kind, or maintenance of existing, currently serviceable, authorized structures or fills:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed.</li> <li>• The repair, rehabilitation, or replacement of those dams or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> </ul> <p><b>Section 404 Waters</b></p> <p>Repair/maintenance of existing, currently serviceable, authorized dams, including maintenance of existing flood control facilities, with no expansion or change in use.</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply</li> <li>• Minor deviations in fill design allowed.</li> </ul> <p><b>Note:</b> Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a) (2)</p>	<p>Work not eligible for Minimum</p> <p><b>Section 10 Waters</b></p> <p>Repair/maintenance of currently serviceable authorized dams with expansion or a change in use &lt;1 acre.</p> <p>Replacement of non-serviceable authorized fills, including expansion or a change in use &lt;1 acre.</p> <p>Repair/maintenance of currently serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p>Replacement of non-serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p><b>Section 404 waters</b></p> <p>Repair/maintenance of existing, currently- serviceable, authorized fills, with an expansion or a change in use ≥3000 SF and &lt;3 acres.</p> <p>Replacement of non-serviceable authorized fills ≥3000 SF and &lt;3 acres.</p> <p><b>Note:</b> The State's maintenance provisions differ from the Corps and may require written authorization from the State, even though it's not required from the Corps. For example, the state <b>does not</b> grandfather wetland fill.</p>



**GP 24. STREAM, RIVER & BROOK CROSSINGS (NOT INCLUDING WETLAND CROSSINGS)**

**(Sections 10 and 404; tidal and non-tidal waters of the U.S.)** Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features, provided that work is performed in accordance with New Hampshire Stream Crossing Best Management Practices to the extent practicable.

**Not authorized under GP 24 are:** (a) Permanent impacts for any single and complete projects that are >3 acres in non-tidal waters and wetlands, >1 acre in tidal waters of the U.S.

**Self-Verification (SV) (Minimum)**

Stream crossings conform with the NH Stream Crossing

Guidelines and general conditions of this document. The requirements in GC 21 are especially relevant:

- In-stream work limited to Jul 15-Oct 1.
- Culverts at waterbody crossings preserve hydraulic connectivity, at its present level, between the wetlands on either side of the road.

Excludes:

- No open trench excavation in flowing waters.
- Work in SAS and special wetlands.
- Work in EFH waters.
- No work on Corps properties & Corps-controlled easements

**Pre-Construction Notification (PCN) (Minor / Major)**

Work not eligible for SV (minimum Impact Project).

**NOTE:** Construction mats of any area necessary to conduct activities do not count towards the 3 acre threshold and should be removed as soon as work is completed.





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## Appendix B

### **Programmatic General Permits (GPs) Required Information and Corps Secondary Impacts Checklist**

In order for the Corps of Engineers to properly evaluate your application, applicants must submit the following information along with the DES Wetlands Bureau application or permit notification forms. Some projects may require more information. For a more comprehensive checklist, go to [www.nae.usace.army.mil/regulatory](http://www.nae.usace.army.mil/regulatory), “Forms/Publications” and then “Application and Plan Guideline Checklist.” Check with the Corps at (978) 318-8832 for project-specific requirements. For your convenience, this Appendix B is also attached to the State of New Hampshire DES Wetlands Bureau application and Permit by Notification forms.

#### **All Projects:**

- Corps application form (**ENG Form 4345**) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
  - Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don’t use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean low lower water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
  - Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site,:
- Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2 and [www.nero.noaa.gov/hcd](http://www.nero.noaa.gov/hcd) for eelgrass survey guidance.
- GP 3, Moorings, contains eelgrass survey requirements for the placement of moorings.
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.





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**New Hampshire General Permits (GPs)**  
**Appendix B - Corps Secondary Impacts Checklist**  
**(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

<b>1. Impaired Waters</b>	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See <a href="http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm">http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm</a> to determine if there is an impaired water in the vicinity of your work area.*		
<b>2. Wetlands</b>	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?		
2.2 Are there proposed impacts to SAS, shellfish beds, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) website, <a href="http://www.nhnaturalheritage.org">www.nhnaturalheritage.org</a> , specifically the book <a href="#">Natural Community Systems of New Hampshire</a> .		
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?		
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		
2.5 The overall project site is more than 40 acres.		
2.6 What is the size of the existing impervious surface area?		
2.7 What is the size of the proposed impervious surface area?		
2.8 What is the % of the impervious area (new and existing) to the overall project site?		
<b>3. Wildlife</b>	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require a NHB & a USFWS IPAC determination.)		



3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: <ul style="list-style-type: none"> <li>• PDF: <a href="http://www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm">www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm</a>.</li> <li>• Data Mapper: <a href="http://www.granit.unh.edu">www.granit.unh.edu</a>.</li> <li>• GIS: <a href="http://www.granit.unh.edu/data/downloadfreedata/category/databycategory.html">www.granit.unh.edu/data/downloadfreedata/category/databycategory.html</a>.</li> </ul>		
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		
3.5 Are stream crossings designed in accordance with the GC 22?		
<b>4. Flooding/Floodplain Values</b>	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		
<b>5. Historic/Archaeological Resources</b>		
For a minor or major impact project - a copy of the Request for Project Review (RPR) Form ( <a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 6 of the GP document**		

\*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

\*\* If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.

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## Appendix C

### Definitions / Terminology

**Boating Facilities:** Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.

**Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the OHW 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.

**Note:** with respect to the Federally designated navigable rivers, the wetlands bordering and contiguous to the tidally influenced portions of those rivers are reviewed under “II. Navigable Waters.”

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

**Corps Properties & Easements:** Contact the Corps, Real Estate Division (978) 318-8585 to initiate reviews about both Corps holdings and permit requirements.

**Cumulative Impacts:** The extent of past, present, and foreseeable developments in the area may be an important consideration in evaluating the significance of a particular project's impacts. Although the impacts associated with a particular discharge may be minor, the cumulative effect of numerous similar discharges can result in a large impact. Cumulative impacts should be estimated only to the extent that they are reasonable and practical.

**Direct Impacts:** The immediate loss of aquatic ecosystem within the footprint of the fill.

**Estuarine wetlands:** Wetland communities occurring in subtidal and intertidal coastal habitats connected to the ocean but semi-enclosed by land and protected from high-energy wave action. These wetlands are periodically exposed and flooded by tides.

- Salt marsh system
- Brackish tidal riverbank marsh system
- Sparsely vegetated intertidal system
- Subtidal system

**Federal Navigation Projects (FNPs):** FNPs are comprised of Federal channels and Federal anchorages. See Appendix D for a list of FNPs. Contact the Corps for specific locations and information. Horizontal Limits: The outer edge of an FNP. Buffer zone: Equal to three times the authorized depth of that channel.



**Floodplains:** Areas of low land along a watercourse that are subject to periodic flooding and sediment deposition.

- Montane/near boreal floodplain system
- Major river silver maple floodplain system
- Temperate minor river floodplain system
- Swamp white oak floodplain forest (natural community)

**Height: Width Ratio:** The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support beam.

**Historic Resources:** including but not limited to archaeological sites or deposits, structures such as dams, abutments, piers, buildings, landscapes, traditional cultural properties, etc.

**Incidental Fallback:** The Tulloch II rule defined “incidental fallback” as “the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the United States when such material falls back to substantially the same place as the initial removal.”

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

**Living Shoreline:** A term used to describe a combination of mostly naturally derived materials including plants, shell and rock or manufactured rock-like surfaces that are used along a shoreline exhibiting erosion to dissipate wave energy and to collect naturally deposited sediment.

**Maintenance Dredging:** Includes areas and depths previously dredged and authorized by the Corps. Proof of authorization is required. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Maintenance dredging is conducted regularly for navigational purposes (typically at least every ten years) and does not include any expansion of the previously dredged area or depth. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc. New Dredging: Includes dredging proposed in previously un-dredged areas and/or in areas exceeding previously authorized dimensions (deeper or wider than previously authorized) excluding normal overdrudge.



**Minor deviations in the structure's configuration or filled area**, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement, are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Peatlands:** Peat-accumulating wetlands, including bogs, fens, cedar swamps, which are often dominated with sphagnum moss, heath family plants and sedges.

- Alpine/subalpine bog system
- Kettle hole bog system
- Poor level fen/bog system
- Medium level fen system
- Montane sloping fen system
- Patterned fen system
- Calcareous sloping fen system
- Black spruce peat swamp system
- Coastal conifer peat swamp system
- Temperate peat swamp system
- Near-boreal minerotrophic peat swamp system

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

**Regulation:** Either DES or NHCP must regulate an activity for it to be eligible for authorization as a Minimum Impact Project in these GPs. The Minimum Impact Project category does not apply to activities exempt from State regulation. These activities must report to the Corps.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a waterway, former wetland (called re-establishment), or a degraded wetland (called rehabilitation). Restoration means the result of actions which, in the opinion of the Federal and State resource agencies, reinstates, or will reinstate, insofar as possible, the functions and values of a wetland which has been altered. Restoration is the re-creation or rehabilitation of wetland ecosystems whose natural functions have been destroyed or impaired. The Corps will decide if a project qualifies as proactive restoration and must determine in consultation with Federal and State agencies that the net effects are beneficial.

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



developments on fill, and d) leachate and runoff from a sanitary landfill located in waters of the U.S. See 40 CFR 230.11(h).

**Shellfish Beds:** Shellfish beds (open or closed) used for recreation harvest as designated by the NH Fish and Game Department. Maps of these shellfish beds are located at:  
[www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf](http://www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf) .

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

**Special Wetlands:** These include 1. enriched/calcareous seepage swamps, estuarine wetlands, floodplains, peatlands, and unique basin swamps/marshes 2. all wetlands that provide habitat for threatened or endangered species, and 3. all exemplary wetland natural community occurrences as designated by the NH Natural Heritage Bureau (NHNHB). The wetland types provided in 1 above are expanded below and fully described in Natural Community Systems of New Hampshire and Natural Communities of New Hampshire, which are available at [www.nhnaturalheritage.org](http://www.nhnaturalheritage.org)

**Note:** The applicant is required to have NHNHB check the wetland types listed in 2 and 3 of Special wetlands by either requesting a hard copy review or using the DataCheck Tool at [www.nhnaturalheritage.org](http://www.nhnaturalheritage.org)

**Temporal loss:** The time lag between the losses of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

**Unique basin swamps/marshes:** Closed wetland basins with no inlet or outlet and broadly fluctuating water levels that contain unique plant species composition. This includes both swamps and sand plain marshes.

- Sandy pond shore system
- Sand plain basin marsh system
- Swamp white-oak basin swamp (natural community)
- Red maple-black gum basin swamp (natural community)

**Vegetated Shallows:** Subtidal areas that support rooted aquatic vegetation such as eelgrass (*Zostera marina*) and widgeon grass (*Ruppia maritima*). (Does not include salt marsh.)

**Water Diversions:** Water diversions are activities such as bypass pumping or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions. See GC 22.



## APPENDIX D

### EFH RIVERS FOR ATLANTIC SALMON

(See General Condition 10)

#### CONNECTICUT RIVER AND TRIBUTARIES

Ames Brook  
Ash Swamp Brook  
Beaver Brook  
Benware Brook  
Burton Brook  
Clark Brook  
Coleman Brook  
Cow Brook  
Governors Brook  
Gulf, The  
Hewes Brook  
**Israel River**  
Liscomb Brook  
**Mascoma River**  
**Mohawk River**  
Ox Brook  
Potter Brook  
Roaring Brook  
Slade Brook  
Sprague Brook  
**Upper Ammonoosuc River**

**Ammonoosuc River**  
**Ashuelot River**  
Beaver Brook  
Bill Little Brook  
Carpenters Brook  
Cobb Brook  
Cone Brook  
Dyer Brook  
Grant Brook  
Gully Brook  
Hubbard Brook  
**Johns River**  
**Little Sugar River**  
Mill Brook  
Moore Brook  
Partridge Brook  
Roaring Brook  
Scarritt Brook  
Smarts Mill Brook  
**Sugar River**  
Walker Brook

Arlin Brook  
Beaver Brook  
Bendell Brook  
**Bloods Brook**  
Carter Brook  
**Cold River**  
Conmary Brook  
Eastman Brook  
Great Brook  
Hackett Brook  
Hunt Mountain Brook  
Kimball Brook  
Lyman Brook  
Mink Brook  
Oliverian Brook  
Petes Brook  
Roaring Brook  
Simms Stream  
Smith Brook  
Sweatt Brook

#### MERRIMACK RIVER AND TRIBUTARIES

Allen Brook  
Bow Bog Brook  
Bradleys Island  
Bryant Brook  
Chandler Brook  
Cold Brook  
Dalton Brook  
Hayward Brook  
Knox Brook  
Millstone Brook  
Nesenkeag Brook  
**Piscataquog River**  
Ray Brook  
Second Brook  
**Souhegan River**  
**Suncook River**  
Watts Brook  
Woods Brook

Baker Brook  
Bow Brook  
Brickyard Brook  
Burnham Brook  
Chase Brook  
Contoocook River  
Giles Pond - Salmon Brook  
Horseshoe Island  
Little Cohas Brook  
**Nashua River**  
**Pemigewasset River**  
Pointer Club Brook  
Riddle Brook  
Shaw Brook  
**South Branch River**  
Tannery Brook  
Weeks Brook

Bennett Brook  
Bowman Brook  
Browns Brook  
Cate Brook  
Cohas Brook  
Cross Brook  
Glines Brook  
Horseshoe Pond - Naticook Brook  
Messer Brook  
Needle Shop Brook  
Penacook Lake  
Punch Brook  
Sawmill Brook  
**Soucook River**  
Stirrup Iron Brook  
Turkey River  
**Winnepesaukee River**



## APPENDIX D (cont.)

### ANDROSCOGGIN RIVER AND TRIBUTARIES

Austin Mill Brook  
Bog Brook  
Clear Stream  
**Dead River**  
Goose Pond  
Josh Brook  
Leavitt Stream  
Moose Pond  
Pea Brook  
**Rattle River**  
Stearns Brook  
Umbagog Lake

Bean Brook  
Cascade Alpine Brook  
Clement Brook  
East Brook  
Horne Brook  
Kidder Brook  
Mollidgewock Brook  
**Moose River**  
Peabody Brook  
Sessions Brook  
Stony Brook

Bear Brook  
Chickwolnepy Stream  
Conner Brook  
Gates Brook  
Island Brook  
Leadmine Brook  
Moose Brook  
Munn Pond  
Perkins Brook  
Smoky Camp Brook  
Tinker Brook

### SACO RIVER AND TRIBUTARIES

Albany Brook  
Barlett Brook  
Bemis Brook  
E.Branch Saco River  
Flume Cascade  
Lucy Brook  
**Mountain Brook**  
Razor Brook  
Sleeper Brook

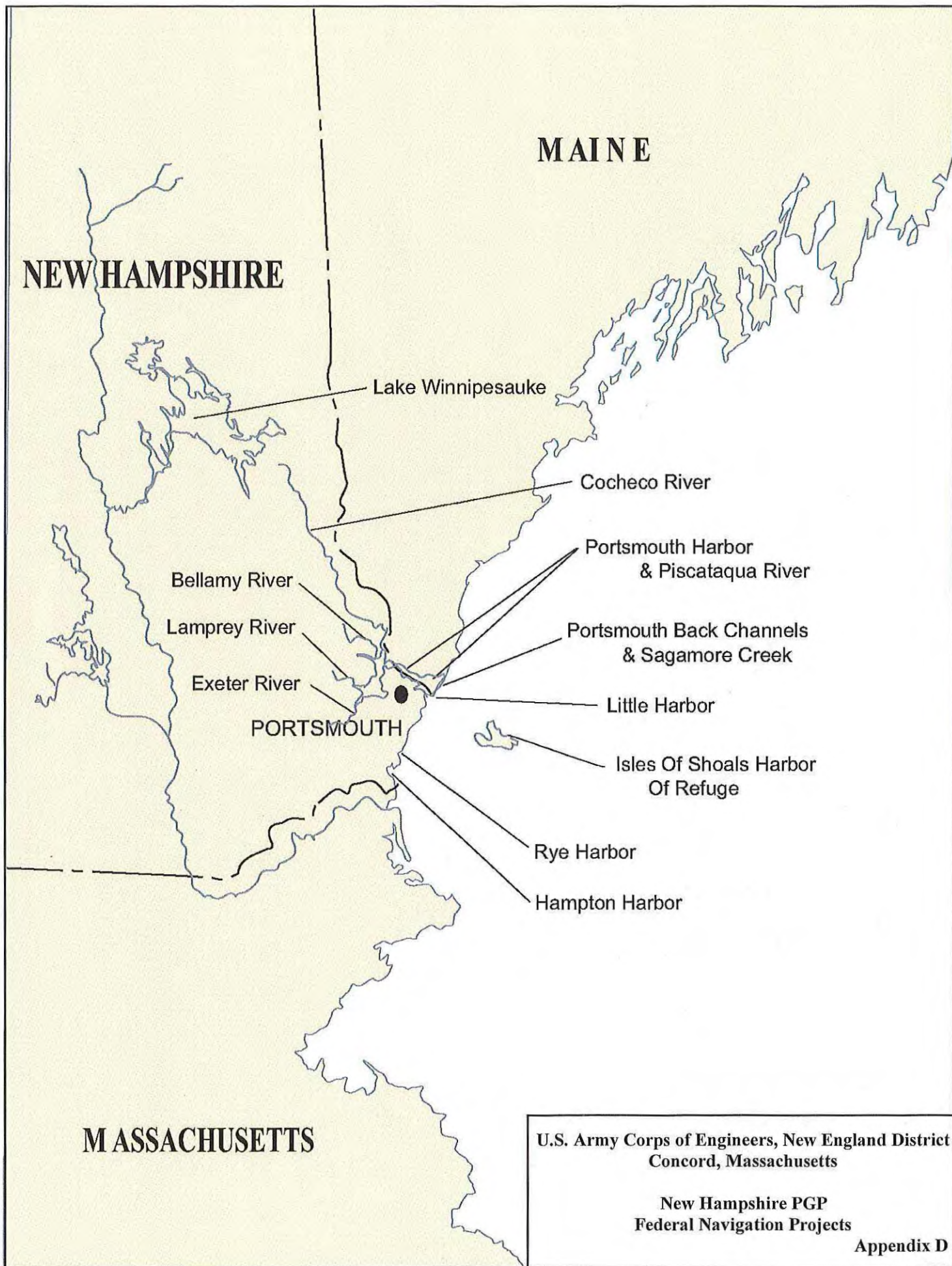
Artist Brook  
**Bearcamp River**  
Conway Lake  
Echo Lake  
Kearsarge Brook  
Mason Brook  
**Nancy Brook**  
Rocky Branch  
Swift River

Avalanche Brook  
**Beech River**  
Davis Brook  
**Ellis River**  
Kendron Brook  
Meadow Brook  
**Ossipee River**  
Sawyer River  
Willey Brook

### COCHeco RIVER & LAMPREY RIVER

**Note:** Rivers and Tributaries that are bolded are specifically included as rivers that are contained in various State and Federal anadromous fish restoration programs and should be the primary focus for Atlantic salmon protections.





U.S. Army Corps of Engineers, New England District  
Concord, Massachusetts

New Hampshire PGP  
Federal Navigation Projects

Appendix D