



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

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Date:** December 10, 2002

**In Reply Refer To:** Greg Penta

**email:** gregory.r.penta@usace.army.mil

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## AMENDMENT TO THE GENERAL PERMIT IN RHODE ISLAND

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby issues an amended statewide Rhode Island Programmatic General Permit (RI PGP) pursuant to 33 CFR Part 325.3(b), for minimal-impact activities within the State of Rhode Island. The amended RI PGP will continue the simplified review process for activities in Corps jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The expiration date of the PGP will not change, and reissuance of the PGP when it expires on February 11, 2007, will be coordinated with the public, State agencies and Federal resource agencies.

The PGP is amended as follows:

**(1) Corps Authorizations:** All activities subject to Corps jurisdiction that are located within the exterior boundaries of the Narragansett Indian Reservation (Land Claim Settlement Area) and sites that may influence this area (areas of influence) require separate notification to the Narragansett Indian Land and Water Resource Commission: P.O. Box 700, Wyoming, Rhode Island 02898; (401) 539-1190 or (401) 364-3977. The Corps and Federal and State agencies will review these activities under this PGP's Category 2 procedures.

The Land Claims Settlement Area is shown on the enclosed map with hatch marks. Areas that are located outside of the Land Claims Settlement Area, but are located in or adjacent to either the Wood or Pawcatuck River shall be included as follows:

- the Pawcatuck River upstream of the exterior boundaries to the Highway 112 crossing and downstream to the confluence with the Wood River;
- the Wood River, upstream of the confluence with the Pawcatuck River to the Highway 91 crossing;
- tributaries to the Wood and Pawcatuck Rivers within the segments described at the two bullets above and within .25 miles of the main stems of the Wood and Pawcatuck Rivers; and
- the adjacent wetlands (bordering, contiguous and neighboring) to the Wood and Pawcatuck Rivers and their above specified tributaries.

The previous four bulleted items are considered “areas of influence” to the Land Claims Settlement Area and are therefore areas of special concern. Also, in addition to the above, any activities outside of the exterior boundaries of the Land Claims Settlement Area that have the potential to significantly alter flows within the exterior boundaries, as determined by the Corps, will also be screened under Category 2.

**(2) Application Procedures:** If a proposed activity is on the Land Claims Settlement Area or influences that area, per the above description and enclosed map, the applicant shall apply directly to the Corps.

**(3) Category 1 Consultation:** The language in the Category 1 section, Page 3, is modified as follows: Consultation with experts is recommended to ensure compliance with all of this PGP’s conditions, such as consultation with the Rhode Island Historical Preservation and Heritage Commission to ensure compliance with General Condition 6. Also, note that the review thresholds under Category 1 apply to single and complete projects only (see Condition 5).

**(4) General Conditions:**

- Condition 2 regarding Federal jurisdictional boundaries is expanded as follows to provide more detail on delineating waters of the United States:

2. Federal Jurisdictional Boundaries. Applicability of this GP shall be evaluated with reference to Federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at Title 33 CFR 328-329. These sections prescribe the policy, practice and procedures to be used in determining the extent of Corps jurisdiction concerning “waters of the U.S.” and “navigable waters of the U.S.” Wetland boundaries shall be performed in accordance with the January 1987 Corps of Engineers Wetlands Delineation Manual, located at <http://www.saj.usace.army.mil/permit/documents/87manual.pdf>. The U.S. Fish and Wildlife Service publishes the National List of Plant Species that Occur in Wetlands, located at <http://www.nwi.fws.gov>. The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists, located at <http://www.statlab.iastate.edu/soils/hydric>.

- Condition 5, Single and Complete Projects, is modified with the addition of the following underlined language.

5. Single and Complete Projects. This PGP shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This PGP shall not be used for any activity that is part of an overall project for which an individual permit is required. Note that modifications to State permits do not constitute a separate project. Modifications that involve Corps jurisdiction will be screened at the regular screening meetings in order to ascertain compliance with the PGP. For linear projects such as power lines, roadways or pipelines, etc., the “single and complete project” (i.e. single and complete crossing) will apply to each crossing of a separate water of the U.S. (i.e. single waterbody) at that location; except that 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.

- Condition 32, Duration of Authorization, is modified to clarify the expiration of the PGP and projects authorized under it.

### 32. Duration of Authorization.

(a) This PGP expires five years from the effective date listed at the top of Page 1.

(b) This PGP will remain authorized in accordance with the wording in (a) above, unless this PGP is revoked in accordance with 33 CFR 325.2(e)(2);

(c) Activities authorized under Category 1 of this PGP that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this PGP's authorization will remain authorized provided the activity is completed within twelve months of this PGP's expiration date.

(d) Activities authorized under Category 2 of this PGP will remain authorized in accordance with the project-specific date that the Corps provides to the permittee in the PGP authorization letter.

(e) Category 1 and 2 activities that have not commenced or are not under contract to commence will remain authorized in accordance with the above wording, unless the circumstances and conditions of any project authorized under this PGP are reevaluated and action is initiated to modify, suspend or revoke the particular authorization as may be necessary by considerations of the public interest in accordance with 33 CFR 325.7.

Activities completed under the Category 1 or 2 authorizations of this PGP will continue to be authorized by this PGP after its expiration date. The permittee must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.

- Condition 33, Previously Authorized Activities, is modified to clarify the authorizations of previously authorized activities.

### 33. Previously Authorized Activities.

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

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

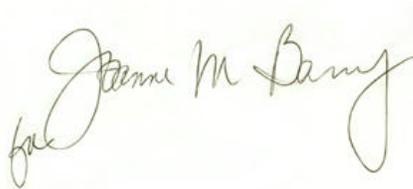
(c) This PGP does not affect activities authorized pursuant to 33 CFR Part 330.3 ("Activities occurring before certain dates").

**(5) Contacts List:** The enclosed list was updated to reflect changes and updates in State and tribal contacts.

**(6) Appendix A - Definition of Categories:** Appendix A, Page 2, a) new fill discharges, Category 2 and Individual Permit, are modified for clarity as follows:

Activity Tidal and Navigable Waters	Category 2	Individual Permit
a) NEW FILL DISCHARGES	1. Up to one acre waterway/ wetland fill and secondary impacts (e.g., areas drained, flooded or cleared), including boat ramps and bridge fills, after required sequencing (2). Fill includes temporary (3) and permanent waterway fills. 2. Temporary fill and excavation, up to 1 acre, in special aquatic sites (5). 3. State-approved mosquito control using open-marsh water management (OMWM) techniques. 4. Saltmarsh, eelgrass and anadromous fish run restoration projects regardless of size of impact provided that the Corps and the State and Federal Agencies find the impacts to be minimal.(8)	1. Greater than one acre waterway/wetland fill and secondary impacts (e.g., areas drained, flooded or cleared) after required sequencing. Fill includes all temporary (3) and permanent waterway fill. 2. Temporary fill and excavation greater than 1 acre in special aquatic sites. 3. Permanent fill or excavation, any amount, in special aquatic sites (5), other than as specified in Category 2.

All other terms and conditions of the original February 11, 2002 PGP remain in full force and effect.

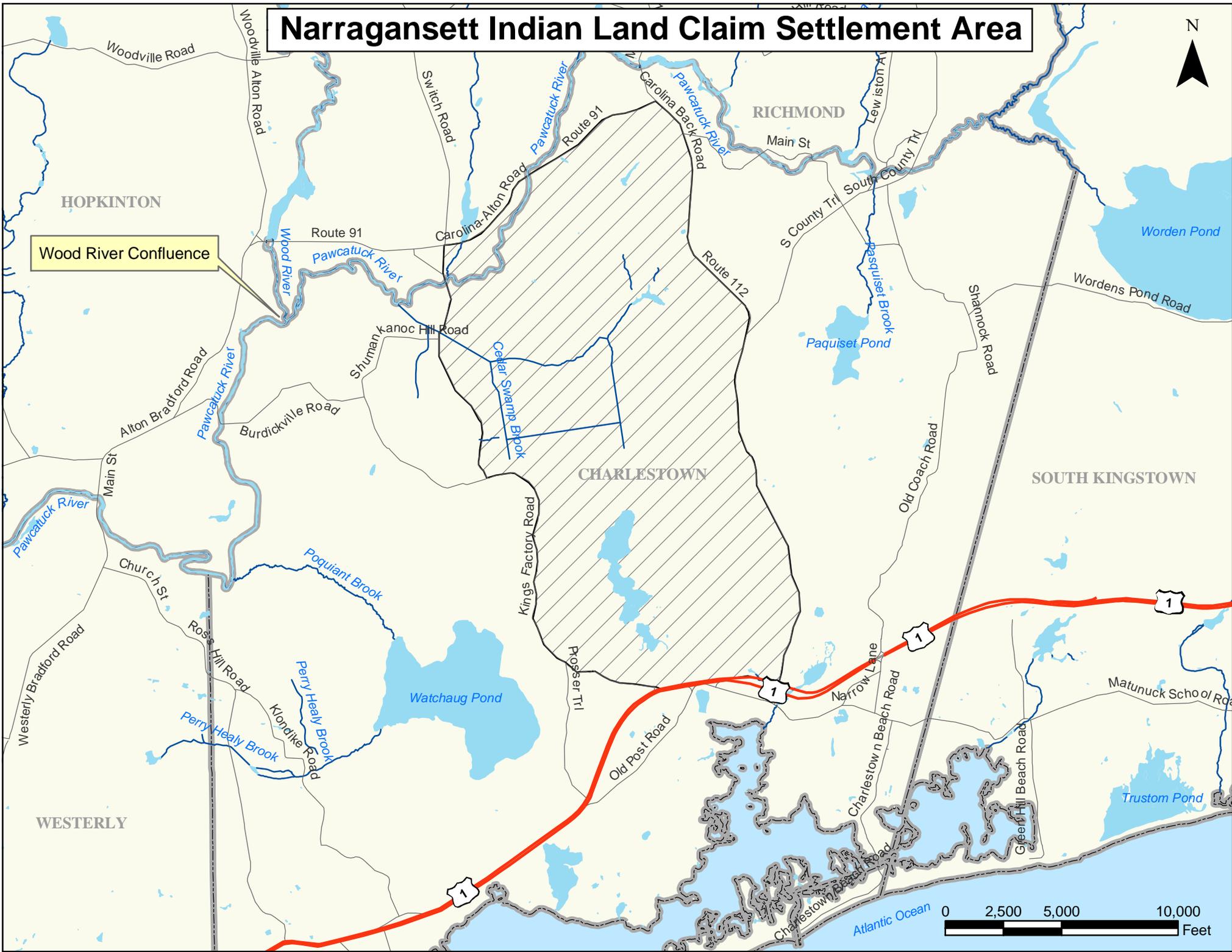


Christine A. Godfrey  
Chief, Regulatory Division

# Narragansett Indian Land Claim Settlement Area



Wood River Confluence



## **CONTACTS FOR THE RHODE ISLAND PROGRAMMATIC GENERAL PERMIT**

### **U.S. Army Corps of Engineers**

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

### **National Park Service**

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

### **U.S. Environmental Protection Agency**

U.S. Environmental Protection Agency, Region I  
1 Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023  
(617) 918-1397

### **Federal Endangered Species**

U.S. Fish and Wildlife Service  
P.O. Box 307  
Charlestown, Rhode Island 02813  
(401) 364-9124

National Marine Fisheries Service  
Habitat Division  
212 Rogers Avenue  
Milford, Connecticut 06460  
(203) 882-6594

### **Rhode Island Department of Environmental Management**

Department of Environmental Management  
Office of Water Resources  
Freshwater Wetlands Program  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
(401) 222-6820  
(401) 222-6177 fax

Department of Environmental Management  
Office of Water Resources  
Water Quality Division  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
(401) 222-6820  
(401) 222-6177 fax

### **Rhode Island Coastal Resources Management Council**

Oliver Stedman Government Center  
Wakefield, Rhode Island 02879-1900  
(401) 783-3370  
(401) 783-3767 fax

### **State Endangered Species**

Department of Environmental Management  
Natural Heritage Program  
235 Promenade Street  
Providence, Rhode Island 02908-5767  
(401) 222-2776  
(401) 222-2069

**CONTACTS FOR THE RHODE ISLAND PROGRAMMATIC GENERAL PERMIT  
(Continued)**

**Historic Resources**

Rhode Island Historical Preservation and Heritage Commission  
150 Benefit Street  
Providence, Rhode Island 029083  
(401) 222-2678  
(401) 222-2968 fax

Narragansett Tribe  
Tribal Historic Preservation Office  
P.O. Box 700  
Wyoming, Rhode Island 02898  
(401) 539-1190  
(401) 742-5048 cell  
(401) 539-4217 fax

Wampanoag Tribe of Gay Head (Aquinnah)  
Tribal Historic Preservation Office  
20 Black Brook Road  
Aquinnah, Massachusetts 02535-1546  
(508) 645-9265 phone  
(508) 645-3790 fax  
(Barrington, Bristol, Central Falls, Cumberland, East Providence, Lincoln, Little Compton,  
Middletown, Newport, Pawtucket, Portsmouth, Tiverton, Warren, Woonsocket)

**Tribal Resources**

Narragansett Indian Land and Water Resource Commission  
P.O. Box 700  
Wyoming, Rhode Island 02898  
(401) 539-1190  
(401) 364-3977

Permit No: GP-57

Effective Date: February 11, 2002  
Expiration Date: February 11, 2007

Applicant: General Public-State of Rhode Island & Lands Located Within the Exterior  
Boundaries of an Indian Reservation.

**Department of the Army**  
**Programmatic General Permit**  
**State of Rhode Island & Lands Located within the Exterior**  
**Boundaries of an Indian Reservation<sup>1</sup>**

The New England District of the U.S. Army Corps of Engineers is issuing a programmatic general permit (PGP) that expedites review of minimal impact work as defined by the Corps in coastal and inland waters and wetlands within the State of Rhode Island & Lands Located Within the Exterior Boundaries of an Indian Reservation.

**GENERAL CRITERIA:**

Activities with minimal impacts, as specified by the terms and conditions of this PGP and on the attached Appendix A: Definition of Categories, are either:

Category 1: eligible without screening, non-reporting, or

Category 2: determination of eligibility made during a screening meeting by the Corps, Federal Resource Agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, National Marine Fisheries Service), and the Rhode Island Resource Agencies (Department of Environmental Management and the Rhode Island Coastal Resources Management Council).

The Corps individual permit review process and activities exempt from Corps jurisdiction are not affected by this PGP.

**ACTIVITIES COVERED:**

Work and structures identified in the attached Appendix A, Definition of Categories, that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899) and the discharge of dredged or fill material into waters of the United States, including wetlands, (regulated by the Corps under Section 404 of the Clean Water Act) are eligible for consideration under this PGP. For clarification, the term "discharge of dredged or fill material" also includes certain discharges resulting from excavation.

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<sup>1</sup> Lands located within the Exterior Boundaries of an Indian reservation refers only to such lands to the extent that any such lands are not subject to the jurisdiction of the State of Rhode Island for the activities identified in Appendix A, and therefore such lands are acknowledged separately.

Pursuant to 33 CFR PART 323.2 (iii), as revised January 17, 2001, the term "discharge of dredged material" means any addition of dredged material into, including any redeposit of dredged material within, waters of the United States, except for discharges that meet the definition of "incidental fallback".

## **PROCEDURES:**

### **State Approvals**

When any of the following state approvals are required for activities authorized pursuant to the PGP, such approvals must be obtained in order for this PGP authorization to be valid. Also see PGP Condition No. 1.

- (1) Rhode Island Department of Environmental Management (RIDEM) approval under the Freshwater Wetland Act, Rhode Island General Laws (RIGL).
- (2) RIDEM approval under RIGL Section 46-19-1 et seq. entitled "Inspection of Dams and Reservoirs".
- (3) RIDEM approval under the "Water Quality Regulations for Water Pollution Control" pursuant to RIGL Chapter 42-17.1 and Section 46-12-1 et seq.
- (4) RIDEM approval under the "Rules and Regulations for Solid Waste Management Facilities" pursuant to RIGL Chapter 42-17.1, Chapter 23-18.9, and Chapter 23-19.
- (5) Rhode Island Coastal Resources Management Council (RICRMC) approval under RIGL Chapter 23, Section 46-23-1 et seq.

### **State Administered Federal Laws:**

- (1) Water Quality Certification (WQC) under Section 401 of the Federal Clean Water Act (33 U.S.C. Sec. 1341).  
Section 401(a)(1) of the Clean Water Act requires applicants to obtain a water quality certification or waiver from the state water pollution control agency, which is RIDEM. RIDEM granted WQC for Category 1 activities provided that the applicant obtain the required approvals listed above. RIDEM conditionally granted water quality certification for Category 2 activities provided that (1) the applicant obtain the required approvals listed above and (2) RIDEM find through Category 2 federal/state screening meetings that the activity is reasonably likely to have minimal or no impact on water quality.
- (2) Coastal Zone Management (CZM) Consistency under Sec. 307 of the Federal Coastal Zone Management Act of 1972, as amended.  
Section 307(c) of the Coastal Zone Management Act of 1972, as amended, requires applicants to obtain a certification from RICRMC that the activity complies with the state's coastal zone management program for activities affecting a state's coastal area. The state's Coastal Area is statutorily defined in RIGL Chapter 23, Section 46-23. RICRMC authorizations for individual activities in the state's coastal area include a substantive evaluation regarding consistency with their coastal zone management program. RICRMC issued coastal zone consistency for Category 1 and 2 of this PGP. Therefore, a separate CZM consistency statement is not required for the activities authorized under the Rhode Island PGP.

## Corps Authorizations

PGP authorizations consist of both Category 1 and 2 type activities. Eligibility, application and screening procedures described below for these categories are based on state programs and procedures currently in place. Changes in any of these programs that may affect the terms and conditions of the PGP prior to its expiration date may require modifications to the PGP. The Corps will determine the need for modifications to this document in coordination with the federal resource agencies when and if any state wetland program changes occur.

All wetland boundaries must be determined in accordance with the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and subsequent federal guidance.

### CATEGORY 1

Non-reporting/Non-screening/Minimal Impacts

Eligibility - Activities in Rhode Island & Lands Located Within the Exterior Boundaries of an Indian Reservation<sup>2</sup> that are:

- Subject to Corps jurisdiction,
- Meet the definition of Category 1 on Appendix A, Definition of Categories,
- Meet the conditions of this PGP listed on Pages 6 through 12, and
- Regulated by one of the state authorities listed on Page 2

Do not require separate application to, and project-specific authorization in writing from, the Corps.

Note that the review thresholds under Category 1 apply to single and complete projects only (see Condition 5). There are also restrictions on national lands as well as conditions which must be met in order for projects to be eligible for authorization under this PGP. See Conditions 6 through 11.

Note that activities that are subject to Corps jurisdiction but are exempt from state regulation are not eligible for authorization under Category 1 even if they meet the definition of Category 1 on Appendix A, Definition of Categories. Application for such activities must be made directly to the Corps. See the next section, Category 2.

Although Category 1 projects are non-reporting, the Corps reserves the right to require individual permit review if there are concerns for the aquatic environment or any other factor of the public interest that may come to Corps attention. See Condition 4 on Discretionary Authority.

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<sup>2</sup> A Tribe's wetlands rules and regulations must be acknowledged by the Corps as adequate to ensure minimal impacts to the aquatic resources. Category 2 screening is required otherwise.

## CATEGORY 2

### Reporting/Screening/Minimal Impacts

Eligibility - Activities in Rhode Island & Lands Located Within the Exterior Boundaries of an Indian Reservation which are:

- Subject to Corps jurisdiction,
- Meet the definition of Category 2 in Appendix A, Definition of Categories,
- Meet the conditions of this PGP listed on Pages 6 through 12, and
- Regulated by one of the state authorities listed on Page 2

Require written approval from the appropriate Rhode Island resource agency(ies), which will include a written authorization from the Corps if appropriate. Before an authorization is issued these projects will be reviewed at interagency screening meetings to determine whether such activities may be authorized under this PGP. For activities exempt from state jurisdiction application must be submitted directly to the Corps in order to be considered for screening. The Corps, not the state, will issue the written authorization for such projects once they are approved. They cannot be legally undertaken until the Corps approves them in writing, even if they meet the definition of Category 1 on Appendix A, Definition of Categories.

The Corps, the federal resource agencies and the Rhode Island resource agencies will comprise the interagency review team. To be eligible and subsequently authorized, an activity must result in minimal impacts to the aquatic environment, as determined by the Corps in coordination with the review team, in addition to meeting the criteria listed above. Compensatory mitigation may be required to minimize project impacts. The Corps or the appropriate Rhode Island resource agency(ies) may contact the applicant to discuss concerns raised during screening meetings.

Note that review thresholds under Category 2 apply to single and complete projects only (see Condition 5). There are also restrictions on national lands as well as conditions which must be met in order for projects to be eligible for authorization under this PGP. See Conditions 6 through 11.

### **Application Procedures**

Applicants will apply directly to the appropriate Rhode Island resource agency(ies). There is no need to apply separately to the Corps unless the activity triggering Corps jurisdiction is exempt from state regulation. The Rhode Island resource agency(ies) will send copies of complete applications to the Corps and the federal resource agencies approximately five days prior to the monthly screening meetings. At this meeting the screening team will review the applications, and the Corps will determine eligibility for the PGP.

If the Corps determines the activity is eligible for the PGP (refer to screening procedures below), the Rhode Island resource agency(ies) will incorporate the Corps PGP authorization into their written authorization. If the activity is not eligible, the Corps will notify the applicant in writing prior to any state authorization.

The Corps will coordinate with the Rhode Island Historic Preservation and Heritage Commission, the Narragansett Tribe and, for activities in eastern Rhode Island, the Wampanoag Tribe of Gay Head (Aquinnah) in order to ensure that PGP approvals comply with Section 106 of the National Historic Preservation Act. The Corps will forward copies of applications submitted for review under the PGP with screening forms to the Rhode Island Historic Preservation and Heritage Commission and the Tribes in advance of the screening meetings. Comments from the Commission will be considered in the permit review process during the comment period as outlined in the Procedures section of this document.

### **Category 2 Federal/State Screening Procedures**

Joint screening meetings will occur for all Category 2 activities. Screening meetings will be held monthly at the RIDEM offices in Providence, Rhode Island. The interagency review team (representatives from the Rhode Island resource agencies, the Corps, and the federal resource agencies) will attend and comment within the specified timeframes.

The Corps will require individual permit review if any one of the resource agencies expresses and identifies a concern related to the aquatic environment within their area of expertise within the specified time frame.

At the federal/state screening meeting, the Corps will determine, in consultation with the Rhode Island resource agencies and the federal resource agencies, if applications for Category 2 work:

- (1) require additional information,
- (2) are eligible under the PGP as proposed,
- (3) are ineligible under the terms and/or conditions of this PGP,
- (4) will require project modification, mitigation or other special conditions to minimize impacts and protect the aquatic environment to be eligible for authorization under this PGP; or
- (5) require individual permit review irrespective of whether the terms and conditions of this PGP are met, based on concerns for the aquatic environment or any other factor of the public interest (see Condition 4, Discretionary Authority).

Concerns raised during the screening process will be discussed with the applicant. The Rhode Island resource agencies will do this for state concerns, and the Corps will do it for federal concerns. If the applicant is unable to resolve the concerns, the Corps, independently or at the request of the participating Rhode Island or federal resource agencies, will require an individual permit for the activity(ies). The Corps will notify the applicant in writing within 25 working days of the screening meeting that their project is not eligible for Category 2 and will require individual permit review. The Corps will provide information about submitting the necessary application materials for this review. If the applicant is able to modify the proposed project to address agency concerns, that project may be rescreened with the review team and subsequently authorized under the PGP.

Comments regarding projects reviewed at the screening meetings may be oral initially and will be accepted within ten working days of the screening meeting. Each commenting agency shall complete Rhode Island PGP comment forms for the file. Comment forms will be accepted by the Corps during the ten working day oral comment period following the screening meeting. The comment forms validate the oral objection only. In all cases, the oral comments must be confirmed in writing by the Field Supervisor or Branch Chief within ten working days after the oral comment period in order for the Corps to require an individual permit. The Rhode Island and federal resource agency's concerns must be clearly identified and reflect a concern related to the aquatic environment within their area of expertise. Comments should state the species or resources that could be impacted by the activity(ies) and describe the impacts that either individually or cumulatively will be more than minimal.

## **INDIVIDUAL PERMIT**

Work that is in the Individual Permit category in Appendix A, Definition of Categories, or that does not meet the terms and conditions of this PGP, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). Applications and supporting materials for work that is clearly in the Individual Permit category should be submitted directly to the Corps of Engineers as early as possible in order to expedite the permit review process. General information and application forms can be obtained by calling the Corps New England District at 1-800-343-4789 or 1-800-362-4367 (within Massachusetts). Individual WQC and/or CZM consistency concurrence will be required from the appropriate Rhode Island resource agency(ies). Filing an individual permit application does not relieve the applicant from their obligation to obtain all necessary state approvals from the appropriate Rhode Island resource agency(ies).

## **GENERAL CONDITIONS:**

The following conditions apply to activities authorized under this PGP, including all Category 1 (non-reporting) and Category 2 (reporting/screening) activities:

- 1. Other Permits.** Authorization under the PGP does not obviate the need to obtain other federal, state, or local authorizations required by law or to comply with all federal, State of Rhode Island or local laws.
- 2. Applicability of this PGP shall be evaluated with reference to federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at Title 33 CFR 328-329.
- 3. Minimal Effects.** Projects authorized by the PGP shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.
- 4. Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require an application for an individual permit for any project based on concerns for the aquatic environment or for any other

factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposed activity warrant individual 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 PGP and that warrants greater review. Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this PGP is void, and no work may be conducted until the individual Corps permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this PGP.

**5. Single and Complete Projects.** This PGP shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This PGP shall not be used for any activity that is part of an overall project for which an individual permit is required. Note that modifications to state permits do not constitute a separate project. Modifications which involve Corps jurisdiction will be screened at the regular screening meetings in order to ascertain compliance with the PGP.

#### **General Conditions Related to National Concerns:**

**6. Historic Properties.** Any activity authorized by this PGP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Rhode Island Historical Commission, the National Register of Historic Places and the Tribes. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall immediately notify the District Engineer (DE).

**7. National Lands.** Activities authorized by this PGP shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Estuarine Research Preserves, or any other area administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service.

**8. Endangered Species.** No activity is authorized under this PGP which may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species; or which would result in a “take” of any threatened or endangered species of fish or wildlife; or which would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants. Applicants shall notify the Corps if any listed species or critical habitat is in the vicinity of the project and shall not begin work until notified by the DE that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (see addresses at the end of this document).

**9. Essential Fish Habitat.** As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “essential fish habitat (EFH)” and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.” All species managed under the MSFCMA have had EFH designations. There are 56 species with EFH in the coastal waters of southern New England. Applicants may be required to describe and identify potential impacts to EFH. Conservation recommendations made by NMFS will normally be included as a permit required by the Corps. Information on the location of EFH can be obtained from NMFS. An internet web site has been established by NMFS at [www.nero.nmfs.gov/RO/DOC/appguide1.html](http://www.nero.nmfs.gov/RO/DOC/appguide1.html)

**10. Wild and Scenic Rivers.** Any activity that occurs in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of, the National Wild and Scenic River System must be reviewed by the Corps under the procedures of Category 2 of this PGP. This condition applies to both designated Wild and Scenic rivers and rivers designated by Congress as Study Rivers for possible inclusion while such rivers are in an official study status. Currently, there are no designated Wild and Scenic Rivers or rivers designated as Study Rivers in the State of Rhode Island and Lands Located Within the Exterior Boundaries of an Indian Reservation.

**11. Federal Navigation Project.** Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project’s authorized depth shall be subject to removal at the owner’s expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

**12. Navigation.** 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. If future operations by the United States 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 of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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

## **General Conditions Related to Minimizing Environmental Impacts:**

**14. Minimization.** Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable.

**15. Work in Wetlands.** Heavy equipment working in wetlands shall be avoided if possible. If such work is unavoidable, when site conditions are such that rutting, soil compaction, erosion or other disturbance would result, equipment shall be placed on mats or other measures shall be taken (such as delaying work until frozen or dry ground conditions exist) to minimize adverse effects on soil and vegetation. Disturbed areas in wetlands shall be restored to preconstruction contours and conditions upon completion of the work.

**16. Temporary Fill.** Temporary fill in waters of the United States authorized by this PGP (e.g., access roads, cofferdams) shall be properly stabilized during use to prevent erosion. In addition, temporary fill in tidal, navigable or inland waters of the United States should consist of a material that minimizes impacts to water quality (e.g., sandbags or clean gravel and/or stone). Temporary fill in wetlands shall be placed on geotextile fabric which is laid on the existing wetland grade. Upon completion of work temporary fill shall be removed and disposed of at an upland site and suitably contained to prevent erosion and/or transport to a waterway or wetland. All areas of temporary fill shall be restored to their original elevations.

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

### **18. Waterway Crossings:**

(a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged or otherwise constructed to withstand, and to prevent the restriction of, high flows, to maintain existing low flows, and to not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.

(b) No trench shall be excavated in flowing water unless the excavation is screened and conditioned to protect the aquatic environment, such as isolating the excavation by turbidity curtains, cofferdams, etc.

(c) Temporary bridges, culverts or cofferdams shall be used for equipment access across streams (note: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of the PGP).

(d) For projects that otherwise meet the terms of Category 1 unconfined in-stream construction work shall be conducted only during the low flow period of July 1 to October 1 in any year. Projects that are conducted outside that time period are ineligible for Category 1 and shall be reviewed under Category 2, regardless of the waterway and wetland fill and/or impact area.

**19. Discharge of Pollutants.** All activities involving any discharge of pollutants into waters of the United States authorized under the PGP shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (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 six months of the effective date of such revision or modification or within a longer period of time deemed reasonable by the DE in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the Section 401 Water Quality Certification (applicable only to Section 404 activities).

**20. Spawning Areas.** During spawning or breeding seasons discharges shall be avoided in known (a) fish and shellfish spawning or nursery areas and (b) amphibian and waterfowl breeding areas. Impacts on these areas shall be minimized to the maximum extent practicable during all other times of the year.

**21. Storage of Seasonal Structures.** Coastal structures such as pier sections, floats, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location located above mean high water and not in a vegetated wetland.

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

**General Conditions Related to PGP Procedures:**

**23. Inspections.** The permittee shall allow the DE or his authorized representative(s) 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 DE may also require post-construction engineering drawings for completed work and post-dredging survey drawings for any dredging work. To facilitate these inspections the permittee shall fill out and return to the Corps the PGP Work-Start Notification Form provided with each Category 2 authorization letter.

**24. Maintenance.** The permittee shall maintain the work or structures authorized herein in good condition, including maintenance to ensure public safety. Note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached Appendix A, Definition of Categories, and/or any conditions included in a written project-specific Corps authorization.

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

**26. Modification, Suspension, and Revocation.** This PGP 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 United States.

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

**28. Special Conditions.** The Corps may impose special conditions on a project authorized pursuant to this PGP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. These may be based on concerns from Rhode Island and/or federal resource agencies. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or restoration.

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

**30. Abandonment.** If the permittee decides to abandon the activity authorized under this PGP, 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 DE.

**31. Enforcement cases.** The PGP does not apply to any existing or proposed activity in Corps jurisdiction associated with a Corps of Engineers or EPA enforcement action until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action.

**General Conditions concerning the Duration of Authorization and concerning Grandfathered Activities:**

**32. Duration of Authorization.** Activities authorized under Category 1 of this PGP that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date this PGP expires, is modified or is revoked, 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 authorized under Category 2 of this PGP that are not fully completed prior to the date this PGP expires will remain authorized in accordance with the project-specific date provided in writing by the Corps of Engineers to the permittee. Activities completed under the authorization of this PGP will continue to be authorized after this PGP expires.

**33. Previously Authorized Activities:**

a) Projects that received written authorization from the Corps under the previous Rhode Island PGP prior to the issuance of this PGP shall remain authorized as specified in each authorization letter.

b) Activities classified as non-reporting Category 1 activities under the previous Rhode Island PGP which have commenced (i.e., are under construction or are under contract to commence) prior to the date this PGP is issued remain authorized provided that the activity is completed within twelve months of the date this PGP is issued, that is, by February 11, 2003. These activities are still subject to discretionary authority on a case-by-case basis in accordance with General Condition No. 4. The permittee must be able to document to the Corps' satisfaction that the project was under construction or contract by the appropriate date.

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

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DISTRICT ENGINEER

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DATE

## **CONTACTS FOR THE RHODE ISLAND PROGRAMMATIC GENERAL PERMIT**

### **U.S. Army Corps of Engineers**

New England District, Regulatory Division  
696 Virginia Road  
Concord, Massachusetts 01742-2751  
(800) 343-4789 or (978) 318-8335  
Fax No. (978) 318-8303

### **National Park Service**

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

### **U.S. Environmental Protection Agency**

U.S. Environmental Protection Agency, Region I  
1 Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023  
(617) 565-4421

### **Federal Endangered Species**

U.S. Fish and Wildlife Service  
P.O. Box 307  
Charlestown, Rhode Island 02813  
(401) 364-9124

National Marine Fisheries Service  
Habitat Division  
212 Rogers Avenue  
Milford, Connecticut 06460  
(203) 579-7094

### **Rhode Island Dept. of Environmental Management**

Department of Environmental Management  
Water Resources/Freshwater Wetlands  
235 Promenade Street  
Providence, Rhode Island 02908  
(401) 222-6820  
Fax No. (401) 521-4230

Department of Environmental Management  
Agriculture  
83 Park Street  
Providence, Rhode Island 02908  
(401) 222-2781

### **Rhode Island Coastal Resources Management Council**

Oliver Stedman Government Center  
Wakefield, Rhode Island 02879  
(401) 783-3370  
Fax No. (401) 783-3767

**CONTACTS FOR THE RHODE ISLAND PROGRAMMATIC GENERAL PERMIT  
(Continued)**

**State Endangered Species**

Dept. of Environmental Management  
Natural Heritage Program  
235 Promenade Street  
Providence, Rhode Island 02908  
(401) 222-2678

**Historic Resources**

Historic Preservation & Heritage Comm.  
150 Benefit Street  
Providence, Rhode Island 02908  
(401) 222-2678

Tribal Historic Preservation Office  
Narragansett Tribe  
P.O. Box 700  
Wyoming, Rhode Island 02898  
(401) 539-1190  
(401) 364-3977

Tribal Historic Preservation Office  
Wampanoag Tribe of Gay Head (Aquinnah)  
20 Black Brook Road  
Aquinnah, Massachusetts 02535-1546  
(508) 645-9265 Phone  
(508) 645-3790 FAX

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## Appendix A – Definition of Categories

Activities must be regulated by at least one of the Rhode Island Resource Agencies to be considered eligible for authorization under Category 1 of the Rhode Island PGP. Activities exempt from State regulation must be screened under Category 2 or the Individual Permit process and cannot be legally done until the Corps issues project-specific authorization for them in writing.

Activity	Category 1	Category 2	Individual Permit
<b>Inland Waters and Wetlands (Waters of the U.S.)</b> (1) (7) Numbers in parentheses refer to notes at the end of Appendix A.			
<b>a) NEW FILL/ EXCAVATION DISCHARGES</b>	Less than 5,000 square feet (S.F.) of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded or cleared) after required sequencing (2). Impact area includes all temporary (3) and permanent fill and excavation. Instream work limited to Jul. 1 to Oct. 1. Dams, dikes, water withdrawals and diversion fills are Category 2 activities.	5,000 S.F. to one acre inland waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded or cleared) after required sequencing (2). Includes all temporary (3) and permanent fill and excavation areas. Time of year restrictions determined on a case-by-case basis.	Greater than one acre inland waterway and/or wetland fill and secondary impacts, (e.g., area drained, flooded or cleared) after required sequencing (2). Includes temporary (3) and permanent fill and areas affected by excavation discharges.
<b>b) BANK STABILIZATION PROJECTS</b>	Bank stabilization less than 500 linear feet (L.F.) and an average of 1 cubic yard (C.Y.) per L.F. of fill below ordinary high water (OHW) or less, provided no wetland fill.	Stabilization projects greater than 500 L.F. or greater than an average of 1 C.Y. per L.F. of fill below OHW or any amount of wetland fill.	
<b>c) REPAIR AND MAINTENANCE OF AUTHORIZED FILLS</b>	Repair or maintenance of existing, currently serviceable, authorized fills with no expansion or change in use.	Replacement of non-serviceable fills, expansion of serviceable fills up to 1 acre, repair or replacement of fill with a change in use.	Replacement of non-serviceable fills, replacement of serviceable fills with expansion over 1 acre.
<b>d) MISCELLANEOUS</b>	Oil spill clean-up discharges. Fish and wildlife harvesting such as duck blinds. Scientific measurement devices and survey activities, e.g., exploratory drilling, surveying, sampling. Does not include oil/gas exploration and fills for roads or construction pads. Includes monitoring wells.	Inland water or wetland restoration projects regardless of size of impact provided that the Corps and the State and Federal Agencies find the impacts to be minimal. (8)	

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Activity	Category 1	Category 2	Individual Permit
<b>Tidal and Navigable Waters</b> (4) (7) Numbers in parentheses refer to notes at the end of Appendix A.			
<b>a) NEW FILL DISCHARGES</b>	None	<ol style="list-style-type: none"> <li>1. Up to one acre waterway/wetland fill and secondary impacts (e.g., areas drained, flooded or cleared), including boat ramps and bridge fills, after required sequencing (2). Includes all temporary (3) and permanent waterway fills and temporary (3) salt marsh impacts up to one acre.</li> <li>2. State-approved mosquito control using open-marsh water management (OMWM) techniques.</li> <li>3. Saltmarsh, eelgrass and anadromous fish run restoration projects regardless of size of impact provided that the Corps and the State and Federal Agencies find the impacts to be minimal. (8)</li> </ol>	Greater than one acre waterway/wetland fill and secondary impacts (e.g., areas drained, flooded or cleared) after required sequencing (2). Includes all temporary (3) and permanent waterway fills, temporary (3) salt marsh fill, excavation discharges over one acre and any amount of permanent fill in a special aquatic site (5).
<b>b) REPAIR AND MAINTENANCE WORK</b>	Repair or maintenance of existing, currently serviceable, previously authorized structures and fills with no expansion or change in use. Recreational docks authorized under RI amnesty program provided that they are outside Federal Navigation Projects.	Repair of any non-serviceable structure and fills with expansion up to one acre or change in use.	Replacement of non-serviceable structures or fills; Repair and maintenance of serviceable fills with expansion greater than one acre.

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Activity	Category 1	Category 2	Individual Permit
<b>Tidal and Navigable Waters</b> (4)(7) Numbers in parentheses refer to notes at the end of Appendix A.			
<b>c.) DREDGING</b>	Maintenance dredging less than 1,000 C.Y. with upland disposal limited to work between Nov. 1 and the following Jan. 15 and no impact to special aquatic sites (5).	Maintenance dredging that does not meet Category 1. New dredging up to 10,000 C.Y. with upland disposal or beach nourishment above MHW. No impact to special aquatic sites (5).	Maintenance dredging of any amount affecting a special aquatic site (5). New dredging greater than 10,000 C.Y. or in or affecting a special aquatic site (5). All dredging with open water disposal.
<b>d) MOORINGS</b>	Non-commercial, non-rental single boat moorings not associated with any boating facility (6), provided they are not located in a Federal Navigation Project and there is no interference with navigation. Moorings within a CRMC approved Harbor Management Plan Area.	Moorings that do not meet the terms of Category 1 and those that meet the terms of Category 1 that are located within a Federal Anchorage.	Moorings located such that they and/or vessels moored at them are within the horizontal limits of a Federal Navigation Project, except those in a Federal Anchorage which meet the terms of Category 2.

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Activity	Category 1	Category 2	Individual Permit
<b>Tidal and Navigable Waters</b> (4)(7) Numbers in parentheses refer to notes at the end of Appendix A.			
<b>e) PILE SUPPORTED STRUCTURES AND FLOATS</b>	<ol style="list-style-type: none"> <li>1. Reconfiguration of existing authorized docks with floats supported off the substrate at low tide, no additional slips or expansion. Includes reconfiguration within CRMC-approved perimeters.</li> <li>2. Residential docks that extend no more than 75 ft. waterward from MHW, are not greater than 4 ft. wide and whose terminal floats are not greater than 150 S.F. and are supported off the substrate at low tide.</li> <li>3. No docks or floats located over submerged aquatic vegetation or tidal wetlands</li> </ol>	<ol style="list-style-type: none"> <li>1. Piers and floats for navigational access to waterways other than docks described in Category 1.</li> <li>2. Piers, docks, decks, floats and similar structures that provide recreational uses, such as fishing, swimming, public access, etc.</li> </ol>	Structures, piers, floats located such that they and/or vessels docked or moored at them are within the horizontal limits of a Federal Navigation Project. Structures, including piers and floats, associated with a new boating facility or those associated with a previously unauthorized boating facility.(6)
<b>f) MISCELLANEOUS</b>	<ol style="list-style-type: none"> <li>1. Temporary (3) buoys, markers, floats, etc. for recreational use during specific events, provided that they are removed within 30 days after use is discontinued.</li> <li>2. Seasonal swimming floats.</li> <li>3. Boat and float lifts to authorized residential docks.</li> <li>4. Coast Guard-approved aids to navigation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Aquaculture projects that do not meet the terms of Category 1.</li> <li>2. Structures/work in or affecting tidal or navigable waters that are not defined under any other headings. Includes but is not limited to utility lines, aerial transmission lines, pipelines, outfalls.</li> </ol>	<ol style="list-style-type: none"> <li>1. EIS required by the Corps.</li> <li>2. Activities located such that they and/or docked or moored vessels associated with them are within the horizontal limits of a Federal Navigation Project, except for those utility lines, aerial transmission lines and subsurface crossings that are covered under Category 2.</li> </ol>

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<b>Activity</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Individual Permit</b>
<b>Tidal and Navigable Waters (4)(7)</b> Numbers in parentheses refer to notes at the end of Appendix A.			

<p><b>f) MISCELLANEOUS (cont.)</b></p>	<p>5. Structures/fill incidental to oil spill clean up.</p> <p>6. Scientific measurement devices and survey activities such as exploratory drilling, surveying/sampling, provided that such structures do not restrict movement of aquatic organisms, including the potential threat of entanglement to sea turtles or marine mammals in near-coastal waters. Does not include oil/gas exploration or seismic testing or fills for roads or construction pads.</p> <p>7. Fish and wildlife harvesting devices, e.g., pound nets, crab traps, crab dredging, eel pots, lobster traps, clam and oyster digging and small fish attraction devices, e.g., open-water fish concentrators, provided that the activity is not in wetlands.</p>		
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<b>Activity</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Individual Permit</b>
<b>Tidal and Navigable Waters (4)(7)</b> Numbers in parentheses refer to notes at the end of Appendix A.			

<b>f) MISCELLANEOUS (cont.)</b>	8. Research, educational, commercial-viability or experimental aquaculture projects that do not exceed 1,000 square feet in area, culture indigenous species only, 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 four feet between the top of the gear and the elevation of mean low water (MLW) in areas where the elevation of the sea floor is above –15 Feet MLW, have a minimum clearance of ten feet 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 –15 Feet MLW, and have been reviewed and approved in writing by the RICRMC and the RIDEM Divisions of Water Quality and Fish and Wildlife.		
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### Notes

1. Waters of the U.S. in inland areas: inland rivers, streams, lakes, ponds, and wetlands. (Ref. Title 33 CFR 328.4)(c).
2. Required sequencing consists of avoidance and minimization of wetland impacts to the maximum extent practicable and mitigation of impacts where necessary to protect the aquatic environment.
3. Temporary Impacts: duration limits for temporary impacts will be determined on a project-specific basis at the screening meetings.
4. Navigable Waters: waters that are subject to the ebb and flow of the tide and their tributaries to the head of tide. (Ref. Title 33 CFR 329).
5. Special Aquatic Sites: include both inland and saltmarsh wetlands, mud flats, vegetated shallows (permanently inundated areas that support rooted aquatic vegetation such as eel grass), coral reefs and riffle and pool complexes. (Ref. 40 CFR 230).
6. Boating Facilities: facilities that provide, rent or sell mooring space, e.g., marinas, yacht clubs, boat yards, dockminiums.
7. No creosote treated structures shall be used in any water or wetland.
8. Restoration is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a 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.