

Appendix A - Definition of Categories

Activities must be regulated by one of the Rhode Island Resource Agencies to be considered eligible for the Rhode Island DGP

Activity	Category I	Category II	Individual Permit
Inland Waters and Wetlands (Waters of the U.S.) (1)(7)			
a) NEW FILL /EXCAVATION DISCHARGES	Less than 5,000 sf of waterway and/or wetlands fill & secondary impacts, (e.g. areas drained, flooded or cleared) after required sequencing (2). Impact area includes all temporary (3) & perm. fill and excav. Instream work limited to Jul 1-Oct 1. Dams, dikes, water withdrawals or diversion fills are Cat II activities.	5,000 s.f. to acre inland waterway and/or wetland fill & secondary impacts, (e.g. areas drained, flooded or cleared) after required sequencing (2). Includes all temporary (3) & permanent fill & excavation areas. Time of year restrictions determined on a case by case basis.	Greater than one acre inland waterway and /or wetland fill & 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) BANK STABILIZATION PROJECTS	Bank stabilization less than 500 linear feet (l.f.) & 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. of fill below OHW or any amount of wetland fill.	
c) REPAIR & MAINTENANCE OF AUTHORIZED FILLS	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 one acre.
d) MISCELLANEOUS	Oil spill clean-up discharges. Fish and wildlife harvesting such as duck blinds. Scientific measurement devices and survey activities, i.e. exploratory drilling, surveying, sampling. Does not include oil/gas exploration & fills for roads or construction pads. Includes monitoring wells.	Aquaculture projects	

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Tidal and Navigable Waters (4)(7)			
a) NEW FILL DISCHARGES		Up to 1 acre waterway/ wetland fill & secondary impacts (e.g. areas drained flooded or cleared, includes , boat ramps & bridge fills) after required sequencing ⁽²⁾ . Includes all temporary ⁽³⁾ & permanent waterway fills. Temporary ⁽³⁾ salt marsh impacts up to 1 acre.	Greater than 1 acre waterway/ wetland fill & secondary impacts (e.g. areas drained flooded or cleared) after required sequencing ⁽²⁾ . Includes all temporary ⁽³⁾ & permanent waterway fills. Temporary ⁽³⁾ salt marsh fill and excavation discharges over 1 acre. Permanent fill in a special aquatic site ⁽⁵⁾ , any amount.
b) REPAIR & MAINTENANCE WORK	Repair or maintenance of existing currently serviceable, previously authorized structure & fills with no expansion or change in use. Private recreational docks authorized under RI amnesty program provided 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 1 acre.
c) DREDGING	Maintenance dredging less than 1,000 c.y. with upland disposal, using proper siltation controls, limited to work between Nov 1 - Jan 15 of any given year, and no impact to special aquatic sites. ⁽⁵⁾	Maintenance dredging that does not meet Cat I; New dredging up to 10,000 c.y. with upland disposal or beach nourishment above MHW; No impacts 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.
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d) MOORINGS	<p>Private, non-commercial, non-rental single boat moorings not associated with any boating facility, provided not located in a Federal Navigation Project and no interference with navigation. Moorings within a CRMC approved Harbor Management Plan.</p>	<p>Moorings that do not meet the terms of Cat I and the moorings that meet the terms of Cat I that are located within a Federal Anchorage</p>	<p>Moorings within the horizontal limits, or that with moored vessels, extend within the horizontal limits of Corps Federal Navigation projects, except those in Federal Anchorages which meet the terms of Cat II.</p>
e) PILE SUPPORTED STRUCTURES AND FLOATS	<ol style="list-style-type: none"> 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. 2. Private residential docks extending no further waterward than 75ft. MHW, are not greater than 4 ft wide, & terminal floats not greater than 150 s.f. and supported off the substrate at low tide. 3. No docks or floats located over submerged aquatic vegetation or tidal wetlands 	<ol style="list-style-type: none"> 1. Private piers and floats for navigational access to waterway other than those docks as described in Cat I. 2. Piers, docks, decks, floats and similar structures that provide recreational uses such as fishing, swimming, public access, etc. 	<p>Structures, piers, floats that extend or with docked or moored vessels will extend 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)</p>

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f) MISCELLANEOUS	<ol style="list-style-type: none"> 1. Temporary (s) buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after use is discontinued. 2. Seasonal swimming floats. 3. Boat & float lifts to authorized residential docks. 4. Coast Guard approved aids to navigation. 5. Structures/fill incidental to oil spill clean up. 	<ol style="list-style-type: none"> 1. Aquaculture projects. 2. Structures/work in or affecting tidal or navigable waters, not defined under any previous headings. Includes but is not limited to: utility lines, aerial transmission lines, pipelines, outfalls. 	<p>EIS required by the Corps. Activities within the horizontal limits of Corps Federal Navigation project or with docked or moored vessels extending within those limits, (does not include utility lines, aerial lines and subsurface crossings in Cat II).</p>
	<ol style="list-style-type: none"> 6. Scientific measurement devices & survey activities such as exploratory drilling, surveying/sampling provided that such structures do not restrict movements of aquatic organisms including the potential threat of entanglement to sea turtles or marine mammals in near coastal waters. Not to include oil/gas exploration or seismic testing or fills for roads or construction pads. 		
	<ol style="list-style-type: none"> 7. Fish&Wildlife harvesting devices, eg. pound nets, crab traps, crab dredging, eel pots, lobster traps, clam & oyster digging, & smallfish attraction devices, ie. open water fish concentrators provided activity is not in wetlands. 		

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Footnotes

- 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, i.e. marinas, yacht clubs, boat yards, dockominiums.**
- 7. No creosote treated structure shall be used in any water or wetland.**