



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

The following Rhode Island Regional General Permits (RGPs) were issued on November 18, 2025, by the U.S. Army Corps of Engineers, New England District, Regulatory Division (NAE). On March 15, 2026, NAE began utilizing the 2026 Nationwide Permits (NWP), which effectively replaced many of the Rhode Island RGPs. Most activities that would have been reviewed under the replaced RGPs will now be reviewed under the 2026 NWPs. A subset of the Rhode Island RGPs remain available for use. The following document of the Rhode Island RGPs has been edited to include only those RGPs that are still available (i.e., RGPs not replaced by NWPs). As such, there may be references within the RGPs document for removed RGPs. Please refer to our website (<https://www.nae.usace.army.mil/Missions/Regulatory/>) for current practices in complying with other required Federal laws and regulations (i.e., Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery and Management Act).

NOTE: Verifications received under the removed/replaced RGPs remain valid until the expiration date of the RGPs, or one year from that date of expiration if work has commenced or is under contract to commence.

Effective Date: November 20, 2025
Expiration Date: November 20, 2030

DEPARTMENT OF THE ARMY
GENERAL PERMITS FOR THE STATE OF RHODE ISLAND AND
NARRAGANSETT INDIAN TRUST LAND

The New England District of the U.S. Army Corps of Engineers (USACE) hereby issues 21 regional general permits (GPs), hereafter referred to as GPs for activities subject to USACE jurisdiction in waters of the United States (U.S.), including navigable waters, within the boundaries of the State of Rhode Island, adjacent ocean waters to the seaward limit of the outer continental shelf, and lands located within the boundaries of the Narragansett Indian Trust Land. The GPs are issued in accordance with USACE regulations at 33 CFR 320 – 332 (see 33 CFR 325.5) and authorize activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative adverse environmental impacts while providing protection to the aquatic environment and the public interest.

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For activities to be authorized under the GPs, they must meet the terms and conditions contained within this document including the eligibility criteria in Section III, the general conditions (GCs) in Section IV, and any special conditions included in verification letters when deemed necessary. Activities authorized under the GPs are either eligible for self-verification (SV-eligible) or require a pre-construction notification (PCN) submission. The GPs do not affect the USACE Individual Permit (IP) review process or replace or change those activities identified as exempt from USACE regulation (33 CFR 323.4).

Self-Verification: USACE does not require any submission for projects that meet all thresholds, terms, and conditions of a self-verification (SV) in the GPs. This includes projects where consultations under Section 7 of the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (Magnussen-Stevens Act), Essential Fish Habitat (EFH), and/or Section 106 of the National Historic Preservation Act (NHPA) of 1966 are required and completed by another lead federal agency, provided the scope of those consultations sufficiently encompass the USACE Regulatory action.

Pre-Construction Notification (PCN) or Individual Permit (IP): Activities that are not eligible for SV require activity-specific review and agency coordination to determine eligibility for authorization under one or more GPs as a PCN submission or an IP if required. USACE requires the submittal containing the information stated in Section VII. Applicants must receive written verification from USACE prior to construction.

USACE will inform the applicant whether a PCN submission or IP application is required once the applicable information is obtained and an initial completeness review has taken place. USACE will generally review all submissions in the order that they are received. USACE will advise applicants on the IP process if the proposed activity does not qualify for authorization under the GPs. The thresholds for activities eligible for PCN are stated in Section III. Activity specific terms and conditions can be found throughout the GP, as well as the GCs in Section IV, which apply to all projects authorized by the GPs.

All GPs are subject to the following:

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

Federal Liability: In issuing this permit, the federal government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
2. 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.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
4. Design or construction deficiencies associated with the permitted work; and
5. Damage claims associated with any future modification, suspension, or revocation of this permit.



Ryan Malterud
Deputy Chief
Regulatory Division

11/18/2025
Date

SECTION I
STATUTORY AUTHORITY AND REGULATED ACTIVITIES

A. JURISDICTION:

Applicability of the GPs shall be evaluated with reference to federal jurisdictional boundaries. Activities shall be evaluated with reference to *navigable waters of the U.S.* under Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 CFR 329) and *waters of the U.S.*¹ (WOTUS) under the Clean Water Act (CWA) (33 CFR 328.3). Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329. Applicants should contact USACE for information about jurisdictional determinations.

1. Work Requiring USACE Authorization

a. Section 10: Work and structures that are located in, over, under or that affect *navigable waters of the U.S.* (see 33 CFR 329). The USACE regulates these activities under Section 10 of the RHA (see 33 CFR 322).

b. Section 404: The discharge of dredged or fill material into WOTUS (see 33 CFR 328). The USACE regulates these activities under Section 404 of the CWA. The term *discharge of dredged or fill material* also includes certain discharges resulting from excavation. Applicants should contact USACE to determine if a particular excavation discharge occurring within *WOTUS*, is a regulated activity. See 33 CFR 323.4 for activities which are exempt under Section 404(f) of the CWA.

For additional information on the limits of USACE jurisdiction, please see:

https://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf

2. Authority to Issue General Permits

a. In accordance with 33 CFR 322.2(f), 325.2(e)(2), and 325.5(c), USACE may issue regional general permits authorizing activities under Section 10 of the RHA.

b. In accordance with Section 404(e) of the CWA, 33 USC 1344(e), and 33 CFR 323.2(h), 325.2(e)(2), and 325.5(c), after notice and opportunity for public hearing, USACE may issue regional general permits for any category of activities involving discharges of dredged or fill material if the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will only have minimal cumulative adverse effect on the environment.

3. Related Laws

33 CFR 320.3 includes a list of related laws including, but not limited to, Section 408 of the Rivers and Harbors Act of 1899, Section 401 of the Clean Water Act, Section 402 of the Clean Water Act, Section 307(c) of the Coastal Zone Management Act of 1972, Section 106 of the National Historic Preservation Act of 1966, Section 7 of the Endangered Species Act, the Fish and Wildlife Coordination Act of 1956, the Magnuson-Stevens Fishery Conservation and

¹ The terms *navigable waters of the U.S.* and *WOTUS* are used frequently throughout this document, and it is important that the reader understand these terms, which are defined in Section VI.

Management Act, the Fish and Wildlife Coordination Act, Section 302 of the Marine Protection, Research and Sanctuaries Act of 1972, Section 7(a) of the Wild and Scenic Rivers Act, the Golden Eagle Protection Act, and the Migratory Bird Treaty Act.

B. GENERAL CRITERIA

For activities to qualify under the GPs, they must meet the terms and conditions of this document, including the eligibility criteria listed in Section III – General Permits, and the GCs listed in Section IV.

Applicants shall review:

1. Section I. A (above) to determine if the activity requires USACE authorization.
2. Section III to determine if the activity is eligible for authorization under the GPs, and specifically whether it is eligible for SV, or a PCN submission.
3. Section IV to determine if the activity meets all the applicable GCs.

Under the GPs, activities may qualify for the following:

1. Self-Verification (SV): Activities that have minimal impacts to the aquatic environment.
2. Pre-Construction Notification (PCN): Activities that are not eligible for SV require activity-specific review and agency coordination to determine eligibility for authorization under one or more GPs.

Except for activities which qualify for SV, no work in jurisdictional aquatic resources may proceed until written verification from USACE is received. The thresholds for activities eligible under the GPs are defined in Section III.

Projects that are not authorized by the GPs may require an IP (33 CFR 325.5(b)) and the applicant must submit an application directly to USACE. Whenever USACE notifies an applicant that a PCN submission or IP application is required, no work in may be conducted until USACE issues the required authorization in writing indicating that work may proceed. (See Sections II(A) and II(B) for additional information about procedures for IPs).

Applicants are encouraged to contact USACE with questions at any time (see Section V). Pre-application meetings, whether arranged by USACE or requested by an applicant, are encouraged to facilitate the review of projects. Pre-application meetings and/or site visits help streamline the authorization process by alerting the applicant to potentially time-consuming factors that are likely to arise during the evaluation of their project, e.g., avoidance, minimization and compensatory mitigation requirements, historic properties, endangered species, EFH, vernal pools, and dredging of contaminated sediments.

Applicants shall ensure compliance with all applicable GPs in Section III, GCs in Section IV, and any special conditions included in USACE verification letters that are deemed necessary. Noncompliance with the GPs and GCs may subject the applicant to criminal, civil, or administrative penalties, and/or an ordered restoration, and/or the verification may be modified, suspended or revoked by USACE. USACE will consider any activity requiring USACE authorization to be unauthorized if that activity is under construction or completed and does not comply with all terms and conditions of the GPs.

C. DETERMINATION OF MINIMAL ADVERSE ENVIRONMENTAL EFFECTS

To be eligible and subsequently authorized by the GPs, an activity shall result in no more than minimal adverse effects² on the aquatic environment as determined by USACE in accordance with the criteria listed within the GPs and GCs and Section 404(b)(1) of the CWA (referred to as the 404(b)(1) Guidelines). Determination that activities will not cause more than minimal adverse environmental effects includes consideration of direct, secondary and cumulative impacts as specified in the 404(b)(1) Guidelines. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of an activity are no more than minimal. Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not considered when calculating the impact area.

Permanent and Temporary Impacts

Permanent impacts: WOTUS that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts 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.

Temporary impacts: These include, but are not limited to, WOTUS that are temporarily filled, flooded, excavated, or drained because of the regulated activity. Temporary impacts are usually associated with construction activities and often involve the placement of cofferdams and construction mats. These fills are removed when construction is completed. Pilings and associated structures do not ordinarily constitute a discharge of fill material.

Discharge of Dredged or Fill Material (404)

Dredged material & discharge of dredged material: These are defined at 33 CFR 323.2(c) and (d). The term *discharge of dredged material* means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. The term *dredged material* means material that is excavated or dredged from waters of the United States.

Fill material & discharge of fill material: These are defined at 33 CFR 323.2(e) and (f). The term *discharge of fill material* means the addition of fill material into waters of the United States. The term *fill material* means material placed in waters of the United States. where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of a water of the United States.

Direct and Secondary (Indirect) Impacts (404(b)(1))

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

Secondary Effects: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final Section 404 action is taken by permitting authorities. (40 CFR 230.11(h)(1)).

² The terms “effects” and “impacts” are used interchangeably. See, e.g., definition of “impact” in the 2008 Mitigation Rule: “Impact means adverse effect.” 40 CFR 230.92.

Cumulative Impacts

Cumulative impacts are the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems (40 CFR 230.11(g)(1)).

SECTION II.A
REVIEW CATEGORIES AND PROCEDURES FOR ACTIVITIES
WITHIN NON-TIDAL WATERS

A. ACTIVITIES COVERED

This section covers activities resulting in the discharge of dredged or fill material into **non-tidal WOTUS** which are regulated under Section 404 of the CWA (33 U.S.C. Section 1344).

WOTUS (Section 404 waters): The term WOTUS (*waters of the United States*) applies to the jurisdictional limits of the authority of USACE under the CWA. WOTUS are defined in 33 CFR 328.3. **Contact USACE for questions regarding jurisdiction.**

Non-Tidal Waters: Wetlands, tributaries, lakes, and other bodies of water that are not subject to the ebb and flow of tidal waters.

B. REVIEW PROCESS

1. State, Local & Federal Approvals

Applicants are responsible for applying for and obtaining any required local, state, and federal permits or approvals. These must be obtained prior to the commencement of work in waters. Such authorizations may include a Water Quality Certification, a Coastal Zone Management Act consistency determination, and other approvals as noted below. Authorization under these GPs does not obviate the need for the permittee to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

a. Water Quality Certification under Section 401 of the Federal Clean Water Act (33 USC 1341).

Applicants are responsible for determining the appropriate 401 Water quality Certification (WQC) requirements and submitting this information to the USACE at the time of their PCN application or when completing their SV determination. Applicants that are unsure of whether their activity has been certified should contact RI DEM, or EPA Region 1 when the activity is located on tribal lands, for a determination. The 401 WQC requirement must be satisfied.

RI DEM has conditionally granted WQC for all activities authorized under these GPs, provided those activities meet the criteria as contained in these GPs. Projects that require an individual permit will also require an individual 401 WQC from RI DEM or EPA Region 1 when the activity is located on Narragansett Indian Trust Lands, for a determination.

b. Freshwater Wetlands Permit

Applicants must apply to Rhode Island Department of Environmental Management (RI DEM) in accordance with the requirements of that program for impacts to freshwater wetlands and associated state jurisdictional areas: www.dem.ri.gov/environmental-protection-bureau/water-resources/permitting/freshwater-wetlands. Applicants must utilize the digital application process in the permit application portal: <https://dem.ri.gov/owr-portal>.

c. Coastal Zone Management Act Consistency Determination

The project may also need approval from the CRMC pursuant to its jurisdiction over freshwater wetlands in the vicinity of the coast and associated state jurisdictional areas. Applicants must apply to CRMC in accordance with the requirements of that program.

2. USACE Review

The thresholds for activities eligible for SV and PCN submissions are stated in Section III.

Activity specific terms and conditions can be found throughout the GP, as well as the GCs in Section IV, which apply to all projects authorized by the GPs.

All projects authorized under the GPs must comply with all GCs and other relevant federal laws such as the NHPA, the ESA, the Magnussen-Stevens Act, and the Wild and Scenic Rivers Act. SV applicants shall notify the Rhode Island Historical Preservation & Heritage Commission (RI HPHC) and appropriate Tribal Historic Preservation Officers (THPO) and request their identification of historic properties and cultural resources (see Section V for website and contact information). The RI HPHC, THPOs, and the NRHP can assist with locating information on: i. previously identified historic properties; and ii. locations with the potential for historic or cultural resources, which may require further identification and evaluation by qualified historic preservation consultants, in consultation with USACE. If historic properties are identified at the project location, the project is no longer eligible for SV, and applicants must submit a PCN or IP application to USACE.

Federal agencies shall contact USACE for an official lead federal agency designation prior to initiating agency coordination. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation in a single, complete package to demonstrate compliance with those requirements for PCN or IP review. Required coordination completed by another lead federal agency may result in an SV-eligible activity, provided the scope of those actions sufficiently encompass the USACE Regulatory action.

Self-Verification Category

Under the SV category, prospective permittees shall self-verify/confirm that the activity meets all the applicable terms and conditions for SV. Applicants must retain their own records of coordination and evidence of minimal effect determinations for all relevant federal laws as described in Section II.A.B.2, above. No submission to USACE is required.

Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria are SV-eligible if they:

1. Are subject to USACE jurisdiction (Section I, paragraph A);
2. Meet the SV criteria in Section III - General Permits for that activity;
3. Meet the requirements of the applicable GCs in Section IV;
4. Meet all other applicable terms and conditions of these GPs; and
5. Result in no more than minimal impacts to the aquatic environment.

How to Confirm SV Eligibility:

Applicants must confirm that the activity meets all the applicable SV eligibility criteria including terms and conditions as stated above, and:

1. Confirm that there are no known historic properties or tribal lands at the project location and therefore no potential to cause effects to historic or tribal resources properties (none present). See GC 11 and Section V for website and contact information.
2. Obtain an official species list of federally threatened and endangered species that may occur in the activity's action area and confirm the activity will have "no effect" on listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), or until ESA Section 7 consultation has been completed in accordance with the procedures in GC 8 and Section VIII(1).
3. Confirm that the activity will have no effect on EFH. See GC 41 and Section VIII for procedure and Section V for contact information.

PCN Review Category

A PCN submission or IP application to USACE is required for all activities that are not eligible for SV. No work requiring a review as a PCN submission or IP application may proceed until written verification from USACE has been received.

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

1. Are subject to USACE jurisdiction (Section I, paragraph A);
2. Meet the PCN criteria in Section III – General Permits for that activity;
3. Meet the requirements of the applicable GCs in Section IV;
4. Meet all other applicable terms and conditions of these GPs; and
5. Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of federal and state resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal.

Applying for authorization through the PCN process: Applicants must make a PCN submission to USACE. This includes an applicant signed, complete ENG FORM 4345 with a detailed project description (see Section IX), plans with USACE jurisdictional aquatic resource lines: mean high water (MHW), mean low water (MLW), high tide line (HTL), ordinary high water mark (OHWM) and jurisdictional wetland boundaries, as applicable, and impact calculations to initiate USACE project review. Please see Section VI for definitions of these jurisdictional lines. Additional information may be required.

All submittals should be transmitted to USACE via the online to the Regulatory Request System (RRS): <https://rrs.usace.army.mil/rrs/>

If you are unable to use the RRS platform, you may submit applications via email to: cenae-ri@usace.army.mil or regular mail to the address below:

Regulatory Division – Connecticut and Rhode Island Branch, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

Digital submittals via RRS are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy or request a federal file sharing link from us for larger submissions. USACE cannot accept materials from private file sharing applications. Additional information is usually required and is described in Sections VII and VIII. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence> for information about our electronic submittal process.

3. Emergency Procedures

Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the submission under standard procedures.” Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an individual permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to PCN submission or IP application. When a PCN submission or application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

4. Individual Permit Procedures

Work that is **NOT** eligible for authorization under the GPs as defined in Section III – General Permits and applicable GCs, or that does not meet the applicable terms and conditions of the GPs, will require review under USACE individual permit procedures (33 CFR 325.1). Applicants must submit the appropriate application materials to USACE. General information and the form (ENG FORM 4345) can be obtained at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

SECTION II. B
REVIEW CATEGORIES AND PROCEDURES FOR ACTIVITIES
WITHIN TIDAL, COASTAL, AND NAVIGABLE WATERS

A. ACTIVITIES COVERED

This section covers activities resulting in the discharge of dredged or fill material into **tidal waters of the U.S.** which are regulated under Section 404 of the CWA (33 CFR 328); work and structures that are located in, under or over any **navigable water of the U.S.** which are regulated under Section 10 of the Rivers and Harbors Act (33 CFR 322).

Navigable waters of the U.S. (Section 10 waters): The term *navigable waters of the U.S.* defines USACE authority as described by 33 CFR Part 329. Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. This definition does not apply to authorities under the CWA (33 CFR 329.1).

WOTUS (Section 404 waters): The term WOTUS (*waters of the U.S.*) applies to the jurisdictional limits of the authority of the USACE under the CWA. WOTUS are defined in 33 CFR 328.3.

Tidal Waters: Waters that are subject to the ebb and flow of the tide.

Contact USACE for questions regarding jurisdiction.

B. REVIEW PROCESS

1. State, Local & Federal Approvals

Applicants are responsible for applying for and obtaining any required local, state, and federal permits or approvals. These must be obtained prior to the commencement of work in waters. Such authorizations may include a Water Quality Certification, a Coastal Zone Management Act consistency determination, and other approvals as noted below. Authorization under these GPs does not obviate the need for the permittee to obtain other federal, state, or local permits, approvals, or authorizations required by law.

a. Water Quality Certification under Section 401 of the Federal Clean Water Act (33 USC 1341).

Applicants are responsible for determining the appropriate 401 Water quality Certification (WQC) requirements and submitting this information to the USACE at the time of their PCN submission or when completing their SV determination. Applicants that are unsure of whether their activity has been certified should contact RI DEM, or EPA Region 1 when the activity is located on tribal lands, for a determination. The 401 WQC requirement must be satisfied.

RI DEM has conditionally granted WQC for all activities authorized under these GPs, provided those activities meet the criteria as contained in these GPs. Projects that require an individual permit will also require an individual 401 WQC from RI DEM or EPA Region 1 when the activity is located on Narragansett Indian Trust Lands, for a determination. For RI DEM,

applicants must utilize the digital application process in the permit application portal: <https://dem.ri.gov/owr-portal>.

b. Coastal Zone Management Act Consistency and CRMC Permitting

Work within tidal and coastal waters and wetlands also require a permit from CRMC pursuant to its jurisdictional areas: <https://www.crmc.ri.gov/applicationforms.html>

CRMC has conditionally granted CZM Consistency for all activities authorized under the GPs provided those activities meet the criteria as contained in the GPs. Projects that require an individual permit may also require an individual CZM Consistency from CRMC.

2. USACE Review

The thresholds for activities eligible for SV and PCN are stated in Section III.

Activity specific terms and conditions can be found throughout the GP, as well as the GCs in Section IV, which apply to all projects authorized by the GPs.

All projects authorized under the GPs must comply with all GCs and other relevant federal laws such as the NHPA, the ESA, the Magnussen-Stevens Act, and the Wild and Scenic Rivers Act. SV applicants shall notify the Rhode Island Historical Preservation & Heritage Commission (RI HPHC) and appropriate Tribal Historic Preservation Officers (THPO) and request their identification of historic properties and cultural resources (see Section V for website and contact information). The RI HPHC, THPOs, and the NRHP can assist with locating information on: i. previously identified historic properties; and ii. locations with the potential for historic or cultural resources, which may require further identification and evaluation by qualified historic preservation consultants, in consultation with USACE. If historic properties are identified at the project location, the project is no longer eligible for SV, and it must be verified with a PCN submission or IP application to USACE.

Federal agencies shall contact USACE for a lead federal agency designation prior to initiating coordination with these agencies. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation in a single, complete package to demonstrate compliance with those requirements for PCN or IP review.

Self-Verification Category

Under the SV category, prospective permittees shall self-verify/confirm that the activity meets all the applicable terms and conditions for SV. Applicants must retain their own records of coordination and evidence of minimal effect determinations for all relevant federal laws as described in Section 2.B B 2, above. No submission to USACE is required.

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

1. Are subject to USACE jurisdiction (Section I, paragraph A);
2. Meet the SV criteria in Section III - General Permits for that activity;
3. Meet the requirements of the applicable GCs in Section IV;
4. Meet all other applicable terms and conditions of these GPs; and
5. Result in no more than minimal impacts to the aquatic environment.

How to Confirm SV Eligibility:

Applicants must confirm that the activity meets all the applicable SV eligibility criteria including terms and conditions as stated above, and:

1. Confirm that there are no known historic properties or tribal lands at the project location and therefore no potential to cause effects to historic or tribal resources properties (none present). See GC 11 and Section V for website and contact information.
2. Obtain an official species list of federally threatened and endangered species that may occur in the activity's action area and confirm the activity will have "no effect" on listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), or until ESA Section 7 consultation has been completed in accordance with the procedures in GC 8 and Section VIII(1).
3. Confirm that the activity will have no effect on EFH. See GC 41 and Section VIII for procedure and Section V for contact information.

PCN Review Category

A PCN submission or IP application to USACE is required for all activities that are not eligible for SV. No work requiring a review as a PCN submission or IP application may proceed until written verification from USACE has been received.

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

1. Are subject to USACE jurisdiction (Section I, paragraph A);
2. Meet the PCN criteria in Section III – General Permits for that activity;
3. Meet the requirements of the applicable GCs in Section IV;
4. Meet all other applicable terms and conditions of these GPs; and
5. Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of federal and state resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal.

Applying for authorization through the PCN process: Applicants must make a PCN submission to USACE. This includes an applicant signed, complete ENG FORM 4345 with a detailed project description (see Section IX), plans with USACE jurisdictional aquatic resource lines (MHW, MLW, HTL, OHWM and jurisdictional wetland boundaries, as applicable), and impact calculations to initiate USACE project review. Please see Section VI for definitions of these jurisdictional lines. Additional information may be required.

All submittals should be transmitted to USACE via the online to the Regulatory Request System (RRS): <https://rrs.usace.army.mil/rrs/>

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Regulatory Division – Connecticut and Rhode Island Branch, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

Digital submittals via RRS are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy or request a federal file sharing link from us for larger submissions. USACE cannot accept materials from private file sharing applications. Additional information is usually required and is described in Sections VII and VIII. See <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence> for information about our electronic submittal process.

3. Emergency Procedures

Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the PCN submission or IP application under standard procedures.” Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an individual permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to submittal of an application. Where an application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

4. Individual Permit Procedures

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

SECTION III - GENERAL PERMITS FOR THE STATE OF RHODE ISLAND & TRIBAL LANDS

All self-verification (SV)-eligible and pre-construction notification (PCN) activities must comply with all applicable terms, general conditions, and any additional eligibility requirements below.

GP #	Category of Activity
GP 4	Pile-supported structures & floats, including boat lifts/hoists, other miscellaneous structures & work
GP 5	Boat ramps & marine railways
GP 7	Dredging, disposal of dredged material, beach nourishment & rock removal & relocation

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

New, expansions, reconfigurations, or modifications of structures for navigation access including floats, stairs/pads, and boat/float lifts as well as other miscellaneous structures. Structure maintenance, repair and replacement are permitted under GP 2.
 See Section VI, Definitions. FNP = federal navigation project. MLW = mean low water. SAS = special aquatic sites.
Applies to: Section 10: navigable waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or individual permit required):</u></p> <ul style="list-style-type: none"> • New structures or floats associated with residential or non-residential boating facilities. • Structures located over or within 25 feet of vegetated shallows. • Structures within SAS or including vegetated shallows. <p><u>Eligible for SV (if permitted by state agency):</u></p> <ul style="list-style-type: none"> • Complete structures located entirely above MLW and installed during low tide if permitted by a state agency. 	<p><u>Not eligible for PCN (individual permit required):</u></p> <ul style="list-style-type: none"> • Permanent structures within FNP channels. • New structures associated with an existing non-residential boating facility that are located beyond the existing state approved perimeter limits. <p><u>PCN Required:</u></p> <ul style="list-style-type: none"> • Wave attenuation structures and timber groins. • Temporary or permanent structures in the associated buffer zone of an FNP. • New steel and timber piles and pile supported structures. • Boat lifts. • New pile-supported/fixd structures within an existing boating facility, provided those structures do not extend beyond the existing perimeter limit of the facility.

Notes:

1. Boating facility is defined as facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.
2. FNP buffer zone is the horizontal distance equal to three times the authorized FNP depth.
3. If structures that are located within 25 feet of riparian property line extensions, USACE may require a letter of no objection from the abutter(s).

GP.5. NEW BOAT RAMPS & MARINE RAILWAYS

Activities required for construction of new boat ramps and marine railways, including excavation and fill. Maintenance, repair, and replacement are permitted under GP 2. See Section VI, Definitions. SF = square feet. SAS = special aquatic sites.

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

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
<p><u>Not eligible for SV (PCN or individual permit required):</u></p> <ul style="list-style-type: none"> • Boat ramps or marine railways in tidal waters. • Unconfined fill or excavation discharges in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon, including designated critical habitat, foraging, and overwintering areas (GC 8). • Fill or excavation discharges in vegetated shallows. • Boat ramps located within 25 feet of riparian property line extensions <u>unless</u> the properties are owned by the same owner or a letter of no objection from the abutter is provided. • Work March 1 through June 30 in non-tidal waters that support diadromous fish species. <p><u>Eligible for SV (if permitted by state agency):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts ≤ 5,000 SF in non-tidal waters, including wetlands. • Ramps constructed in inland waters that support anadromous fish provided construction occurs during low (at or below the normal water elevation) or no-flow condition and/or behind a cofferdam between July 1 and March 1, and/or behind a cofferdam at any time. The cofferdam shall be constructed of non-erodible materials (steel sheets, aqua barriers, or geotextile liner; earthen cofferdams are not permissible). 	<p><u>Not eligible for PCN (individual permit required):</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts > 1 acre of non-tidal waters, including wetlands. • Permanent and temporary impacts > 1/2 acre in tidal waters. • Permanent and temporary impacts > 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts > 100 SF in tidal vegetated shallows. • Total combined impacts to tidal and non-tidal waters, wetlands, and other SAS exceeding 1 acre. <p><u>PCN Required:</u></p> <ul style="list-style-type: none"> • Permanent and temporary impacts > 5,000 SF and ≤ 1 acres in non-tidal waters, including wetlands. • Permanent and temporary impacts ≤ 1/2 acre in tidal waters. • Permanent and temporary impacts ≤ 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤ 100 SF in tidal vegetated shallows. • Boat ramps located within 25 feet of an abutting riparian property line with a letter of no objection from the abutter(s).

Notes:

1. If boat ramps are located within 25 feet of a riparian property line and the property is not held by the same owner, USACE may require a letter of no objection from the abutter(s) or require an appropriate buffer if one is needed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

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

New, improvement and maintenance dredging (see note below) including: (a) Disposal of dredged material at a confined aquatic disposal cell, beach nourishment location, near shore site, open water site selected under Section 404 of the Clean Water Act pursuant to the 404(b)(1) Guidelines, provided the dredged material meets the requirements for such disposal; (b) Beach nourishment not associated with dredging; and (c) Rock removal and relocation for navigation.

See Section VI – Definitions: HTL = high tide line. SF = square feet. SAS = square feet. SAS = special aquatic sites.

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

PRE-CONSTRUCTION NOTIFICATION (PCN)	SELF-VERIFICATION (SV)
<p><u>Not eligible for PCN (individual permit required):</u></p> <ul style="list-style-type: none"> • New dredging > 100 SF in tidal vegetated shallows. • Maintenance dredging and/or disposal with > 1/2 acre of impacts to tidal SAS other than tidal vegetated shallows. • New dredging for the primary purpose of mining or borrowing sand for beach nourishment. • Rock removal and relocation for navigation with impacts > 1/2 acre in tidal waters. • Blasting and/or beach scraping. <p><u>PCN Required:</u></p> <ul style="list-style-type: none"> • Maintenance dredging projects that are not eligible for SV. • Improvement or new dredging projects with impacts < 1/2 acre. • Dredged material placement, confined aquatic disposal cells (CAD cells), near-shore disposal and/or beach nourishment. • Beach nourishment and beach grading. • Mechanical rock removal. • Rock removal that includes blasting, must submit a blasting plan and have it approved by USACE, CRMC, and NOAA. 	<p><u>Eligible for SV (if permitted by state agency):</u></p> <ul style="list-style-type: none"> • Beach nourishment and beach grading. • Blasting and/or beach scraping. • New dredging for the primary purpose of mining or borrowing sand for beach nourishment. <p><u>Eligible for SV (if permitted by state agency):</u></p> <ul style="list-style-type: none"> • Maintenance dredging in tidal waters of any volume provided: <ul style="list-style-type: none"> ○ Upland disposal above the HTL. ○ Proper siltation controls used & maintained to prevent runback into waterways or wetlands. ○ No impacts to SAS or intertidal areas. ○ Work only occurs from October 1 – January 31. • Tidal areas rock/boulder relocation with ≤ 200 SF of impacts and no impacts to SAS. • Beach grooming or raking between November 1 and January 31.
<p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. Improvement is dredging to deeper depths in areas previously dredged or authorized. 2. Maintenance dredging includes areas and depths previously dredged after being authorized by USACE. 3. New dredging is dredging that is previously unauthorized by USACE. 	

SECTION IV GENERAL CONDITIONS

1. Other Permits. Authorizations provided by the GPs do not obviate the need for project proponents to obtain other federal, state, or local permits, approvals, or authorizations required by law. Applicants are responsible for applying and obtaining all such permits, approvals, or authorizations. Work that is not regulated by the state, but subject to USACE jurisdiction, may still be eligible for the GPs.

2. Single and Complete Projects. The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.

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.

Unless USACE 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.

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.

3. 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 U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 19, with an associated utility line crossing authorized by GP 6, if the maximum acreage loss of waters of the U.S. for the total project is ≥ 1 acre it shall be evaluated as an IP.

4. 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.

5. Avoidance, Minimization, and Compensatory Mitigation. Avoid and Minimize: Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site. Avoidance and minimization are required to the extent necessary to ensure that the adverse effects to the aquatic environment (both area and function) are no more than minimal.

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.

Compensatory mitigation: for effects to waters of the U.S., which are unavoidable and have been minimized to the greatest extent practicable, including direct, secondary, and temporal, will generally be required for projects with permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

6. Water Quality. Permittees shall satisfy any conditions imposed by RI DEM and U.S.EPA, where applicable, in their CWA Section 401 Water Quality Certification (WQC) for the GPs, or in any Individual Section 401 WQC. See Section V for contact information and Sections II and VIII to determine if any action is required to obtain a 401 WQC. USACE may require additional water quality management measures to ensure that the authorized activity does not cause or contribute to a violation of water quality standards. All projects authorized by the GPs shall be designed, constructed, and operated to minimize or eliminate the discharge of pollutants.

7. Coastal Zone Management. Permittees shall satisfy any additional conditions imposed by the State of Rhode Island CRMC in their Coastal Zone Management (CZM) Act of 1972 consistency concurrences for the GPs, or in any Individual CZM consistency concurrences. USACE may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

8. Federally Threatened and Endangered Species

No activity is authorized under any GP which: (1) Is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the federal ESA, or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation; or (2) “May affect” a listed species or critical habitat, unless ESA Section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed (see Section VIII (1)). See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA Section 7 consultation.

Authorization of an activity by a GP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a biological opinion with “incidental take” provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS), the ESA prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the

proposed GP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN.

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, USFWS or U.S. Forest Service are not eligible for SV and will require either a PCN or an IP.

10. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river”, unless the appropriate federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service (NPS), U.S. Forest Service, Bureau of Land Management, USFWS). See <https://www.rivers.gov/rhode-island.php> for additional information. At the time of this GP issuance, Rhode Island has one designated Wild and Scenic Rivers (the Wood-Pawcatuck River and Watershed). Please see NPS contact information in Section V.

11. Historic Properties and Cultural Resources. No undertaking 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 Places³(NRHP), including previously unknown historic properties within the permit area, unless USACE or another lead federal agency has satisfied consultation requirements of Section 106 of the National Historic Preservation Act (NHPA).

To comply with this condition, SV applicants shall notify the Rhode Island Historical Preservation & Heritage Commission (RI HPHC) and appropriate Tribal Historic Preservation Officers (THPO) and request their identification of historic properties and cultural resources (see Section V for website and contact information). The RI HPHC, THPOs, and the NRHP can assist with locating information on: a. previously identified historic properties; and b. locations with the potential for historic or cultural resources, which may require further identification and evaluation by qualified historic preservation consultants, in consultation with USACE.

If historic properties or tribal lands are identified at the project location, the project is no longer eligible for SV, and applicants must submit a PCN or IP application to USACE. Proponents must submit a complete, applicant-signed ENG FORM 4345, project plans with USACE jurisdictional lines, impact calculations, and other required attachments to USACE.

If the permittee/contractor discovers any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the District Engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the discovery until the required coordination has been completed. The District Engineer will initiate the federal, tribal and state

³ The majority of historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with USACE and the RI HPHC and/or THPOs.

coordination required to determine if the items or artifacts warrant a recovery effort or if the site is eligible for listing in the NRHP.

Federal agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Along with the PCN, federal applicants shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements.

Federal and non-federal applicants should coordinate with USACE prior to conducting any onsite archaeological and/or architectural investigation (reconnaissance, surveys, data recovery, etc.) requested by the RI HPHC or THPOs, as USACE will determine the permit area, the scope of review for the consideration of historic properties based on 33 CFR 325 Appendix C. This is to ensure that work done is in accordance with USACE requirements.

12. Activities Affecting Structures or Works Built by the United States.

USACE projects and property are listed at: <https://www.nae.usace.army.mil/Missions/Civil-Works>.

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

Any proposed temporary or permanent modification or use of a federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), or any use which would obstruct or impair the usefulness of the federal project in any manner, and/or would involve changes to the authorized federal project's scope, purpose, and/or functioning, is not eligible for SV and will also require review and approval by USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) (Section 408):

- a. A PCN is required for all work in, over, under, or within three times the authorized depth of a USACE FNP and may also require permission under Section 408.
- b. Any structure or work that extends closer than three times the project's authorized depth to the horizontal limits of any FNP shall be subject to removal at the owner's expense prior to any future USACE dredging or the performance of periodic hydrographic surveys.
- c. Where a Section 408 permission is required, written verification for the PCN will not be issued prior to the decision on the Section 408 permission request.

13. Navigation. No activity may cause more than a minimal adverse effect on navigation:

- a. All safety lights and signals prescribed by the U.S. Coast Guard, must be installed, and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.
- b. Any structure or work that extends closer to the horizontal limits of any USACE Federal Navigation Project than three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future USACE dredging or the performance of periodic hydrographic surveys.
- c. 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.

- d. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or their authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from USACE, 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.
- e. A PCN is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated Section III as the work may also require a Section 408 permit.

14. Permit and Verification Letter On-Site. Permittees shall ensure that a copy of the GPs and any PCN or IP accompanying authorization 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 all contracts and sub-contracts for work that affects areas of USACE jurisdiction at the site of the work authorized by the GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means the GPs, including GCs and the authorization letter (including its drawings, plans, appendices, and other attachments) and 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 USACE jurisdiction.

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

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

Descriptions of pile removal methods:

Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment.

Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up.

Clamshell Pull: This can remove intact, broken, or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

17. Time-of-Year Work (TOY) Windows/Restrictions. In-water work shall be conducted during the following TOY work windows (work allowed) under SV and any in-water work proposed during the following TOY restrictions (no work) shall be reviewed under PCN (and shall contain written justification for deviation from the work allowed windows). The term “in-water work” does not include conditions where the work site is “in-the-dry” (e.g., intertidal areas exposed at low tide). The term also does not include work contained in a cofferdam so long as the cofferdam was installed and subsequently removed within the work allowed window.

	<u>TOY Restriction (<i>no work</i>)</u>	<u>TOY Work Window (<i>work allowed</i>)</u>
Non-tidal waters	Nov. 1 st to Jun. 30 th	Jul. 1 st to Oct. 31 st *
Tidal waters	Feb. 1 st to Oct. 14 th	Oct. 15 th to Jan. 31 st *

*RI DEM may place additional constraints to protect anadromous species in the fall. Note that for each of the specific RI General Permits where work in anadromous fish runs occur, we also prohibit unconfined or sediment-generating activities between March 1 and June 30. This restriction is encompassed by the windows above.

Alternate work windows proposed under PCN will generally be coordinated with the USFWS, NMFS, Rhode Island CRMC, and/or Rhode Island DEM and resulting written verifications may include species-specific work allowed windows.

18. Heavy Equipment in Wetlands or Mudflats. Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained, or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall:

- a. Have low ground pressure (typically <6 psi);
- b. Be placed on swamp/construction/timber mats (herein referred to as “construction mats” or “mats”) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or
- c. Be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands;
- d. Construction mats shall 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;
- e. Other support structures that are capable of safely supporting equipment may be used with written USACE authorization. Similarly, the permittee may request written authorization from USACE to waive use of mats during frozen or dry conditions;
- f. An adequate supply of spill containment equipment shall be maintained on site.

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

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

- a. All temporary fill that is in place for >2 years; or
- b. Construction mats filling >5,000 SF that are in place for:
 - >1 year when installed during the growing period; or
 - Any portion of more than one growing period when installed outside the growing period. The growing period is from May 1 to October 1 for the purposes of the GPs.
- c. Construction mats that involve underlying fill.
- d. Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g., washed stone, stone, etc.).

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

20. Restoration of Inland Wetland Areas. Upon completion of construction, all disturbed wetland areas shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix K in the New England District “Compensatory Mitigation Standard

Operating Procedures” found at <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.

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.

In areas of authorized temporary disturbance, trees shall be cut at or above ground level and not uprooted to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.

21. Bank and Shoreline Stabilization Including Living Shorelines. Projects involving construction or reconstruction/maintenance of bank stabilization structures within USACE jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. For example, vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information on this topic, see the USACE Coastal Engineering Manual (supersedes the Shore Protection Manual) at <https://www.nae.usace.army.mil/Missions/Regulatory/Useful-Documents-Forms-and-Publications>. Select “Corps Coastal Engineering Manual, EM 1110-2-1100” and navigate to Coastal Engineering Manual – Part V, Chapter 7-8, a (2) c.

22. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls⁴ (hereinafter referred to as “controls”) must be used and maintained in effective operating condition during construction. All exposed soil and other fills, as well as any work below the OHW mark or HTL, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow, or during low tides.

Controls in streams should be installed and removed during the same TOY work window when practicable. A PCN is required for controls that encroach: a) >25% of the stream width measured from OHW in non-tidal diadromous streams from March 15 to June 30; or b) >25% of the waterway width measured from MHW in tidal waters from Feb. 1 to June 30, or >50% of the waterway width measured from MHW in tidal waters from July 1 to Jan. 14. This is to protect

⁴Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.

upstream fish passage. Proponents must also maintain downstream fish passage throughout the project. These conditions may be modified if specified by USACE in writing.

No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands where suspended solids shall be removed prior to discharge back into waters or wetlands. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.

Controls shall be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized at the earliest practicable date. Sediment and debris collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable and flows and aquatic life movements are not disrupted.

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

23. Aquatic Life Movements and Management of Water Flows. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Unless otherwise stated, activities impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

- a. Suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and
- b. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. All wetland crossings shall preserve hydraulic and ecological connectivity between the wetlands on either side of the road.
- c. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when it is necessary to perform the authorized work.

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

New crossings are recommended to be designed in accordance with the most recent RIDOT Road-Stream Crossing Design Manual. Replacement crossings should refer to the Road-Stream Crossing Design Manual to incorporate as many design practices as possible given site constraints. The Design Manual can be found on the USACE Regulatory website. Please note that RI DEM may require other design standards separate from the RIDOT Design Manual.

24. Spawning, Breeding, and Migratory Areas. 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.

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 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.

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

26. Invasive and Other Unacceptable Species. 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.

Unless otherwise directed by USACE, all submittals for PCN inland projects proposing fill in USACE jurisdiction shall include an Invasive Species Control Plan.

27. Fills Within 100-Year Floodplains. The activity shall comply with applicable Federal Emergency Management Agency (FEMA)-approved, State of Rhode Island or local floodplain management requirements. Permittees should contact FEMA and/or the State of Rhode Island regarding floodplain management requirements.

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

29. Maintenance. The permittee shall maintain the activity authorized by the 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 GP 7 in Section III as well as any conditions included in a written USACE 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).

30. Property Rights. The 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.

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

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

33. Special Conditions. USACE may impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from RI DEM, CRMC, or a federal agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties and/or restoration.

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

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

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

37. Previously Authorized Activities. Completed projects that received prior authorization from USACE (via SV or PCN), shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, GCs, and any special conditions provided in a written verification. Activities authorized pursuant to 33 CFR Part 330.3 (“Activities occurring before certain dates”) are not affected by the GPs.

38. Duration of Authorization. The GPs expire five years from their effective date provided on page 1. Activities authorized by the GPs that have either commenced (i.e., are under construction) or are under contract to commence will have an additional year from the expiration

date to complete the work. The permittee must be able to document to USACE satisfaction that the project was under construction or under contract by the expiration date of the GPs. If work is not completed within the one-year extended timeframe, the permittee must contact USACE. The USACE may issue a new authorization provided the project meets the terms and conditions of the GPs in effect at the time.

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

39. Suitable Material & Discharge of Pollutants. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All activities involving any discharge into waters of the U.S. authorized under the 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 GP, the authorized work shall be modified to conform with these standards within six months from 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. Unless monitoring data indicates otherwise, applicants may presume that their activity complies with state water quality standards provided they are in compliance with the Section 401 WQC (applicable only to the Section 404 activity).

40. Coral Reefs. No activity authorized under the GPs may cause impacts to coral reefs. Any proposed activity that may impact coral reefs will require an IP.

41. Essential Fish Habitat. SV-eligible activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RI GPs as applicable to the activity. NMFS has granted General Concurrence (50 CFR 600.920(g)) for all SV-eligible activities. These activities do not require additional EFH consultation.

For PCN required activities, the applicant is required to describe and identify potential adverse effects to EFH and should refer to the “Required Information” section of the “GARFO NMFS and USACE NAE Programmatic Consultation and Project-Specific Consultation Requirements under the Magnussen-Stevens Act and FWCA for the States of CT, MA, ME, NH and RI” located at <https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat>.

Federal agencies shall follow their own procedures for complying with the EFH requirements of the Magnuson-Stevens Fishery Conservation and Management Act. For activities requiring a PCN submission, the applicant is responsible for furnishing documentation that demonstrates consultation for EFH has been completed.

For PCN or IP activities, including those coordinated by a USACE-designated lead federal agency, no work may commence until EFH consultation as required by the Magnussen-Stevens Act has been completed.

42. Aquaculture (GP 20). Applicants are required to coordinate with the U.S. Coast Guard (USCG) Sector SE New England (responsible for RI-area navigable waters) for siting review, and Navigation Risk Assessment (NRA), and navigation risk mitigation needs. The USCG can be reached for questions and review through SENEWM@uscg.mil or Mr. Matt Oliveira, Matthew.P.Oliveira2@uscg.mil. Safety lights and signals required by the USCG shall be installed and maintained at the authorized facilities. The USCG can be reached through its Private Aids to Navigation application site <http://www.usharbormaster.com>; by email to steven.r.pothier@uscg.mil; by writing U.S. Coast Guard, Waterways Management Branch, First Coast Guard District (dpw), 408 Atlantic Avenue, Boston, MA 02110; or (617) 823-3947. The First District Local Notice to Mariners (LNM) Information Form is now available on the Coast Guard NAVCEN website: https://www.navcen.uscg.gov/sites/default/files/pdf/lrms/LNM_Information_Form.pdf. USACE considers the above requirements met if a CRMC permit has been issued.

Only actual Aids to Navigation (AtoN) are permitted; floats, balls, markers, mooring balls and 'high flier flags' are not considered AtoN. Safety lights and signals required by the USCG shall be installed and maintained at the authorized facilities. The USCG can be reached through its Private Aids to Navigation (AtoN) application site <http://www.usharbormaster.com> or steven.r.pothier@uscg.mil, U.S. Coast Guard, Waterways Management Branch, First Coast Guard District (dpw), 408 Atlantic Avenue, Boston, Massachusetts 02110 or (617) 823-3947.

For marine safety information/charting, project owners should use the First District's Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil. The USCG will help make determination on potential charting needs, and support work with the applicant and state permitter(s) NOAA to chart potential hazards with NOAA either directly or through the Coast Guard's Local Notice to Mariners (LNM). USACE permit applicants shall include all required coordination in with their USACE permit applications.

SECTION V
CONTACT INFORMATION

U.S. Army Corps of Engineers

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

Ms. Nancy Komulainen-Dillenburg

NHPA & Tribal Program Manager

New England District Regulatory Division
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742
(978) 318-8348; (218) 451-8698
nancy.s.komulainen-dillenburg@usace.army.mil

FEDERAL AGENCY PARTNERS

Federally Endangered Species & Essential Fish Habitat (EFH)

National Marine Fisheries Service

Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9300
nmfs.gar.garfo@noaa.gov
www.nmfs.noaa.gov

Federally Endangered Species

U.S. Fish and Wildlife Service

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 223-2541
newengland@fws.gov
www.fws.gov/office/new-england-ecological-services

U.S. Environmental Protection Agency

Ms. Erica Sachs-Lambert
Region I – New England
5 Post Office Square, Suite 100
Boston, MA 02109
(617) 918-1741
sachs.eric@epa.gov
www.epa.gov/owow/wetlands

National Park Service (Wild & Scenic Rivers)

Wood-Pawcatuck Watershed
Ms. Lauren Bonatakis
Natural Resource Specialist / River Manager
Partnership Wild and Scenic Rivers Program
National Park Service
Interior Region 1 - North Atlantic-Appalachian
617-599-6802
lauren_bonatakis@nps.gov
www.nps.gov/rivers/index.html

STATE AGENCY PARTNERS

Rhode Island Department of Environmental Management (DEM)

Office of Water Resources (OWR)
235 Promenade Street
Providence, RI 02908
(401) 537-4011
DEM.WaterResources@dem.ri.gov
www.dem.ri.gov/environmental-protection-bureau/water-resources/permitting/freshwater-wetlands
*DEM OWR Permit Application Portal: <https://dem.ri.gov/owr-portal>

Rhode Island Coastal Resources Management Council (CRMC)

Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879-1900
(401) 783-3370
(401) 783-3767 (fax)
cstaff1@crmc.ri.gov
www.crmc.ri.gov

**Historic Properties
Rhode Island Historical Preservation &
Heritage Commission (HPHC)**

150 Benefit Street

Providence, RI 02908

(401) 222-2678

(401) 222-2968 (fax)

hphc.info@preservation.ri.gov

www.preservation.ri.gov/

TRIBAL HISTORIC PRESERVATION OFFICERS

Narragansett Indian Tribe

P.O. Box 268

Charlestown, RI 02813

tashtesook@aol.com

jbnithpo@gmail.com

coradot@gmail.com

www.narragansettindiannation.org/

Wampanoag Tribe of Gay Head (Aquinnah)

20 Black Brook Road

Aquinnah, MA 02535

(508) 645-9265

(401) 364-1100

(401) 364-1104 (fax)

thpo@wampanoagtribe-nsn.gov

Mashpee Wampanoag Tribe

Mr. David Weeden

Tribal Historic Preservation Officer

483 Great Neck Rd. South

Mashpee, MA 02649

(508) 477-0208 ext. 102

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Tribal Historic Preservation Department

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SECTION VI DEFINITIONS

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

Beach scraping: A method of coastal management that uses heavy machinery to redistribute sand on a beach and dune system.

Boating facilities: These provide, rent or sell mooring space, such as marinas, boat/yacht clubs, boat yards, dockominiums, town facilities, etc. Not classified as boating facilities are piers shared between two abutting properties or town mooring fields that charge an equitable user fee based on the actual costs incurred.

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

Construction mats: Construction, swamp, and timber, mats are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together.

Cumulative impacts: Changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems (40 CFR 230.11(g)(1)).

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

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

Discharge of dredged material: Any addition of dredged material into U.S. waters. The term includes, without limitation, the addition of dredged material to a specified discharge site located in U.S. waters and the runoff or overflow from a contained land or water disposal area. The term does not include plowing, cultivating, seeding and harvesting for the production of food, fiber, and forest products. The term does not include de minimis, incidental soil movement occurring during normal dredging operations (33 CFR 323).

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

- a. Placement of fill that is necessary for the construction of any structure in waters of the U.S.;
- b. Building any structure or impoundment requiring rock, sand, dirt, or other material for construction;
- c. Site-development fills for recreational, industrial, commercial, residential, and other uses;
- d. Causeways or road fills;

- e. Dams and dikes;
- f. Artificial islands;
- g. Property protection or reclamation devices such as riprap, groins, seawalls, breakwaters, revetments;
- h. Beach nourishment;
- i. Levees;
- j. Artificial reefs; and
- k. Fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines (33 CFR 323).

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

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

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

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

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

Federal Navigation Projects (FNPs): Areas that are maintained by USACE; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and are comprised of USACE federal anchorages, federal channels, and federal turning basins. Information, including the limits, is provided at <http://www.nae.usace.army.mil/Missions/Navigation.aspx>

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

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

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

328). Refer to the highest predicted tide for the current year at the nearest NOAA tide gage at either Newport or Providence. <https://tidesandcurrents.noaa.gov/map/index.html?type=active®ion=Rhode%20Island>

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

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

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

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

Living shoreline: A term used to describe a low-impact approach to shoreline protection that integrates natural coastal features to restore, enhance, maintain, or create natural coastal or riparian habitat, functions, and processes while also functioning to mitigate flooding or shoreline erosion.

Maintenance:

- a. The repair, rehabilitation, or in-kind replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 – “Activities occurring before certain dates,” provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification.
- b. Minor deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make repair, rehabilitation, or replacement are authorized.
- c. Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
- d. No seaward expansion for bulkheads or any other fill activity is considered SV maintenance.
- e. Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2).
- f. The state’s maintenance provisions may differ from USACE and may require reporting and written authorization from the state.
- g. Contact USACE to determine whether stream crossing replacements require a PCN submission.
- h. Exempt Maintenance. In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: “Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design.”

The definition of “minor deviations” below is also applicable to maintenance.

Minor deviations: Deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal.

Mean High Water (MHW): The arithmetic mean of the high water heights observed over a specific 19-year Metonic cycle (The National Tidal Datum Epoch).

Mean Low Water (MLW): The arithmetic mean of the low water heights observed over a specific 19-year Metonic cycle (The National Tidal Datum Epoch).

Navigable waters of the United States: Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 CFR 329).

Non-tidal wetlands: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters, non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Ocean waters: Those waters of the open seas lying seaward of the base line from which the territorial sea is measured (33 CFR 324.2).

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

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

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

Pre-Construction Notificaiton (PCN): PCN is an *submission* for authorization by the Department of the Army under the 2025 RI GP for projects that meet PCN criteria contained within the specific GP activity (1-21) and as detailed in Sections IIA and IIB herein.

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

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

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource.

Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

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

Secondary effects: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final Section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) aquatic areas drained, flooded, fragmented, or mechanically cleared, b) fluctuating water levels in an impoundment and downstream associated with the operation of a dam, c) septic tank leaching and surface runoff from residential or commercial developments on fill, and d) leachate and runoff from a sanitary landfill located in waters of the U.S. (40 CFR 230.11(h)).

Shellfish dredging: Shellfish dredging typically consists of a net on a frame towed behind a boat to capture shellfish and leave the sediment behind. Dredges may skim the surface, utilize hydraulic jets, toothed rakes, or suction apparatus.

Special Aquatic Sites (SAS): Includes tidal and non-tidal wetlands, mud flats, vegetated shallows (submerged aquatic vegetation), sanctuaries and refuges, coral reefs, and riffle and pool complexes. SAS are defined at 40 CFR 230.3 and listed in 40 CFR 230 Subpart E.

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

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

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

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

Tidal wetlands: A jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channel-ward of the high tide line.

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

Utility line: Any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, data, and telegraph messages, and radio and television communication. The term utility line does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

Vegetated shallows: Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass and widgeon grass (*Ruppia maritima*) in marine systems (does not include salt marsh) as well as a number of freshwater species in rivers and lakes. Note: These areas are also commonly referred to as submerged aquatic vegetation (SAV).

Vernal pools (VPs): For the purposes of the GPs, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). In most years, VPs support one or more of the following obligate indicator species: wood frog, spotted salamander, blue-spotted salamander, marbled salamander, Jefferson's salamander, and fairy shrimp. However, they should preclude sustainable populations of predatory fish.

Waters of the United States (WOTUS): these waters are defined in 33 CFR Part 328 and include more than navigable waters of the U.S. and are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the CWA. waters of the U.S. include jurisdictional wetlands.

Weir: A barrier across a river designed to alter the flow characteristics. In most cases, weirs take the form of a barrier, smaller than most conventional dams, across a river that causes water to pool behind the structure (not unlike a dam) and allows water to flow over the top. Weirs are commonly used to alter the flow regime of the river, prevent flooding, measure discharge, and help render a river navigable.

SECTION VII
REQUIRED INFORMATION GUIDE

A. INFORMATION REQUIRED FOR ALL PCN SUBMITTALS OR IP APPLICATIONS

- A complete, applicant signed USACE ENG FORM 4345 (Section IX or <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit>).
- RI DEM and CRMC applications or public notices cannot be substituted for USACE submissions. USACE submissions must include all information as detailed below. Submit a copy of the complete USACE submission directly to USACE. To achieve faster processing, we recommend digital submittal through the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. If unable to use the online system, you may submit the complete application to cenae-r-ri@usace.army.mil.
- Applicants shall identify all aquatic resources on the project site. They are all presumed to be waters of the U.S. unless an Approved Jurisdictional Determination (AJD) has been obtained from USACE that determines otherwise. Wetlands shall be delineated in accordance with the USACE Wetlands Delineation Manual and the most recent Northcentral/Northeast regional supplement.
- All anticipated direct, indirect, and secondary impacts, both permanent and temporary, to waters of the U.S. (in wetlands, and waterward of OHWM in inland waters and the HTL or MHW in coastal waters) in square feet, acres, or linear feet (for stream and bank impacts), and cubic yards or other appropriate units of measure. The USACE New England District's Compensatory Mitigation Standard Operating Procedures is a resource for assessing secondary impacts (<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation>).
- Information on historic properties.
- Information on federally threatened or endangered species present at the site including a copy of the USFWS IPaC Official Species List, the NOAA Section 7 Species List and completed GARFO ESA Section 7: NLAA Program Verification Form (GC 8) and Section VIII(1) provide more information.
- Photographs of wetland and/or waterway to be impacted. Photos at low tide are preferred for work in coastal waters.
- Provide any prior permit information that you may have for the project area, e.g., existing USACE permit/file numbers, the names under which the permits were obtained if the permit/file numbers are unknown, construction dates and proof of existence prior to December 1968 (aerials, photos, town hall records, affidavits, state, or local permits, etc.) to verify "grandfathering."
- For any activity that will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project, the PCN submission must include a statement confirming that the project proponent has submitted a written request for Section 408 permission from USACE.

- Full-sized PDF drawings or plans that are legible, reproducible, and drawn to scale. Existing and proposed conditions, and plan views and cross sections for all work. Numeric and graphic/bar scales must agree, and plan details must be measurable using a standard engineer's scale on printed plans. Reduced plans are not acceptable. Show the north arrow and wetland and waterway area impacts. Provide a locus map and, if necessary, a plan overview of the entire property with a key index to the individual impact sheets. Also include impact area calculations within each USACE jurisdictional aquatic resource area. See **Section C** below for specific plan requirements.

B. ADDITIONAL INFORMATION THAT MAY ALSO BE REQUIRED

- Alternatives analysis.
- Schedule of construction activity.
- Location and dimensions of adjacent structures.
- Applicants may be required to describe and identify potential adverse effects of the project on EFH (refer to the NOAA Fisheries' EFH Mapper).
- Identification of potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area.
- Whether work will occur behind a temporary cofferdam or whether silt curtains will be deployed during project construction.
- Number and type (drill barge, work boat, tugboat, etc.) of temporary work vessels to be used.
- Number of boat slips associated with a coastal structure.
- Number, size (diameter) and type (timber, steel, cement, combination, other) of pilings associated with a project in tidal waters and installation method (vibratory hammer, impact hammer, combination) for such pilings.
- Description of how the project will maintain aquatic organism passage during and after construction.
- An Invasive Species Control Plan. Sample control plans available at: <https://www.nae.usace.army.mil/Missions/Regulatory/>
- Wetlands functions and values assessment (Highway Methodology Workbook Supplement).
- Sediment type and description within project area.
- Presence or absence of shellfish beds near the site and how such was determined, e.g., personal visual observation, divers, online maps, conversations with local officials, etc. A shellfish survey may be required.

Information required for dredge activities shall also include:

- Sampling plan requests – submit completed Dredged Material Evaluation checklist found at [Dredged Material Evaluation Checklist, Sampling and Analysis Plan Requirements from Applicant \(army.mil\)](#)
- Whether the work is new, improvement or maintenance dredging and the method of handling/transporting the dredged material.

- Grain-size of material to be dredged (e.g., silty sand). Provide any existing sediment grain size and bulk sediment chemistry data from the proposed project, previous dredging at the site, or from nearby projects.
- Information on any recent spills of oil and/or other hazardous materials and/or nearby outfalls. Document the information source, e.g., EPA database, the harbormaster or fire chief.
- Total footprint of the dredged area when characterizing impact to resources.
- Provide an alternatives analysis to open-water disposal.

Information required for aquaculture activities shall also include:

- Characterize the bottom substrate at the project site (e.g., sand, cobble, or silt/mud/clay).
- Identify what species will be cultivated and seasonality.
- Identify the width of the waterway at this location (distance from each adjacent shoreline).
- Identify the number and type of project vessels (e.g., lobster boat, etc.), the length of the vessels, draft, and berthing location.
- Total number of proposed vertical and horizontal lines.
- Identify and label plans, as appropriate, with length and type of lines (sinking/leaded, buoyant), number of anchors and weight/holding power, diameter or square footage, and the number and type of vertical buoy lines, buoys, etc.
- Lease size (acreage).
- Gear area size (acreage).
- Cultivation gear (type, number, configuration, material, and anchoring system).
- Harvest equipment and method.
- Gear maintenance practices and frequency. If applicable, location for storage of equipment and gear when not in use. Or identify gear, anchors or lines that will be left in the water at the end of the product growing season.

C. INFORMATION REQUIRED FOR ALL PROJECT PLANS

- Digital drawings or plans that are legible, reproducible, drawn to scale. Numeric and graphic/bar scales must agree, and plan details must be measurable using a standard engineer's scale on printed plans. *Reduced size plans are not acceptable.* Show the north arrow and wetland and waterway area impacts. Provide the HTL, MHW and MLW lines or OHW mark (as applicable) on plans. See Section VI for definitions. Provide a locus map and, if necessary, a plan overview of the entire property with a key index to the individual impact sheets.
- Datum in plan and elevation views:
 - The horizontal datum shall be in the NAD 83 Rhode Island State Plane Coordinate System in U.S. survey feet.

- The vertical data in coastal projects shall be referenced to either MLLW or the North American Vertical Datum of 1988 (NAVD 88). Both the distance and depth units shall be U.S. survey feet. See <https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/VerticalDatumLetter.pdf>
- Existing and proposed conditions, and plan views and cross sections for all work.
- Limits and area (acres and SF) of temporary and permanent fill to be placed in any wetlands or waterway, including construction access and work areas, cofferdams, bedding, and backfill, all clearly labeled. Please note that USACE does not regulate buffer zones. Show delineation of all wetlands including salt marsh; other special aquatic sites (vegetated shallows, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges); other waters, such as lakes, ponds, vernal pools, and perennial, intermittent, and ephemeral streams; on the project site. Use federal delineation methods and include USACE wetland delineation data sheets for all wetlands. Vegetated shallow survey guidance is located at <https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/>.
- Name and addresses of adjoining property owners on the plan view.
- For typical pipeline cross-sections, the details of the bedding and backfill to be used in wetlands and waters. Show proposed trench dams and detail for inland projects.
- Adjacent FNPs (anchorage or channel) and/or state/local navigation projects, distance to them, the authorized depths of the FNP, and state plane coordinates of the seaward end(s) of structures near an FNP.

Plans for projects involving structures shall also include:

- The MLLW, MHW and HTL elevations in tidal waters, and OHW in non-tidal navigable waters.
- Water depths around the project in all views.
- Dimensions of the existing and proposed structures. Show the location and dimensions of existing bulkheads and/or shoreline stabilization on adjacent properties and, if applicable, how the proposed work will tie into existing structures.
- For piers and other structures, the minimal height of structures frame above the marsh.
- For piers and other pile-supported structures, the number, material, and installation method proposed. All projects must include a soft-start for verification.
- For floats, the methods of securing them (piles, bottom anchors) and for keeping them 18” off the substrate (skids, stops) at low water.
- Any existing structures and moorings in waters adjacent to the proposed activity, their dimensions, and the distance to the limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide the coordinates for all corners based on the Rhode Island State Plane Coordinate System. Specify the maximum number of slips and/or moorings within proposed reconfiguration zones. If no structures exist or are proposed, state this on the project plans.
- The dimensions of the structure or work and extent of encroachment waterward of MHW and from a fixed point on the shoreline or upland.

- Shoreline of adjacent properties and property boundary offset for structures.
- In narrow waterbodies, the distance to opposite shoreline, waterway width, and structures across from proposed work.
- For reconfiguration zones, the coordinates of the corners and specify the maximum number of slips and/or moorings within the zone.
- A description of the type of vessels that would use the facility, and any plans for sewage pump-out facilities, fueling facilities and contingency plans for oil spills.

Plans for projects involving fill shall also include:

- All locations of discharges of dredged or fill material waterward of the HTL or OHW.
- Describe historic fill previously authorized by USACE, if known, and the date of authorization.
- The MLLW, MLW, MHW and HTL elevations in tidal waters, and OHW elevation in non-tidal waters.
- Structures, if any, proposed to be erected on the fill.
- Limits of wetlands (label: wetland boundary) and waterways (labels: OHW or HTL) on all views.
- Limits of temporary and permanent fill to be used in any wetland or waterway, including construction access and work areas, cofferdams, bedding, and backfill.
- Provide a description of the wetlands and aquatic habitats at the site and provide a map of their locations within the project area.
- Description (length, width, flow character, and streambed condition) of any streams at the project site.
- Area (acres and SF) of each fill that is waterward of the OHW in non-tidal waters, waterward of the HTL in tidal waters, and in wetlands. State if the fill is permanent or temporary.
- Disposal site of the excess excavated material. If necessary, submit an additional sheet showing the location of the proposed disposal site. Provide quantity of excess excavated material.
- A statement describing how impacts to waters of the U.S. are to be avoided and minimized. For the remaining impacts, include a statement describing how aquatic resource function is being replaced through compensatory mitigation or explain why compensatory mitigation should not be required for the proposed impacts. Mitigation areas clearly identifying each area and showing the boundaries and acres and SF of each area.
- Summary of any proposed mitigation (<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/> for the USACE 2020 Compensatory Mitigation Standard Operating Procedures).

Plans for activities involving dredging shall also include:

- The area (acres and SF) and volume (CY) of material to be dredged waterward of MHW for each dredge location.
- Dredge boundaries, including side slopes.
- Bathymetry for existing, proposed, and historical (include dates and USACE permits) dredge depths.
- Whether the dredging is new, maintenance, improvement, or a combination.
- A description of the area to be dredged, i.e., open water, existing channel, wetlands, uplands, etc.
- Location of the disposal site (include location sheet).
- The methods and areas used to retain or prevent dredged material from running back into the wetland or waterway. Provide the capacity of the storage area and points of runback, including the overflow route, into the aquatic system.
- For beach nourishment, identify the disposal footprint, existing and proposed nourishment profiles and/or grain-size of existing material.
- For open-water disposal, explain why inland or beneficial use sites are not practicable.
- Identification and description of any potential impacts to EFH and threatened or endangered species.

Note: For projects proposing open water, nearshore disposal, or beach nourishment, contact USACE as early as possible for sampling and testing protocols. Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing may be required. Sampling and testing of sediments without such contact should not occur and if done, will be at the applicant's risk. The information needed to develop a sampling and analysis plan can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory>.

SECTION VIII
RESOURCE AGENCY COORDINATION PROCEDURES FOR
PCN SUBMISSIONS or IP APPLICATIONS

1. FEDERALLY THREATENED AND ENDANGERED SPECIES:

- a. Applicants shall provide an Official Species List obtained from the USFWS Information for Planning and Consultation (IPaC) website (<https://ipac.ecosphere.fws.gov>) and provide the email address of the person who generated the list. For proposed activities in tidal waters, applicants shall also include a report from the National Oceanic and Atmospheric Administration (NOAA) Fisheries' Section 7 Mapper for federally-listed species located at: <https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper>.
- b. Non-federal permittees must submit a PCN submission if any listed species/threatened or endangered (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. However, a proposed activity is SV-eligible, i.e., none of the terms and conditions of the GPs require a PCN submission, if it meets the requirements in the ESA Implementation Procedures at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Rhode-Island-General-Permit>.
- c. Federal agencies shall follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)) while ensuring USACE and other applicable federal agencies are included in the consultation process. If a PCN submission is required for the proposed activity, the federal permittee must provide the District Engineer with the appropriate documentation to demonstrate compliance with those requirements. The District Engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA Section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under Section 7 of the ESA.

2. ESSENTIAL FISH HABITAT (EFH)

Applicants must provide the appropriate information from the "Required Information" section of the "GARFO NMFS and USACE NAE Programmatic Consultation and Project-Specific Consultation Requirements under the Magnussen-Stevens Act and FWCA" document located at <https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat>.

3. HISTORIC PROPERTIES AND CULTURAL RESOURCES

Section 106 of the National Historic Preservation Act

Federal and federally-sponsored programs and projects are reviewed under Section 106 of the NHPA, which requires federal agencies or applicants for federal funds, permits or licenses to consider the effects of their undertaking on historic properties (i.e., those listed in or eligible to be listed in the National Register of Historic Places) or cultural resources.

Federal and non-federal applicants should coordinate with USACE before conducting any onsite archaeological work (reconnaissance, surveys, recovery, etc.). USACE will determine the permit area for the consideration of historic properties based on 33 CFR 325 Appendix C.

If the permittee discovers any previously unknown historic, cultural, or archaeological remains and artifacts while performing the activity authorized by this permit, they must immediately notify the District Engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

a. Notification Requirements for SV:

Applicants must document that the project location has no historic properties or cultural resources present for their own records. Information on the location and existence of known historic resources can be obtained from the National Register of Historic Places. <https://preservation.ri.gov/historic-places/national-register/listed-properties>. SV applicants shall notify the HPHC and THPOs and request their identification of historic properties and cultural resources (see Section V for contact information).

The HPHC is the state agency for historic preservation and heritage programs. The NIT, Wampanoag Tribe of Gay Head (Aquinnah), and Wampanoag Tribe of Mashpee THPOs are the RI contacts for cultural resources coordination. See Section V for contact information.

b. Notification Requirements for PCN submission or IP application:

USACE or the designated lead federal agency will coordinate for S.106 compliance for any PCN submission or IP applications.

Other USACE-designated lead federal agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Along with the application, federal applicants shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements.

4. WATER QUALITY CERTIFICATIONS

Discharge of Pollutants:

- a. All activities involving any discharge of pollutants into waters of the U.S. authorized under the 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.
- b. Note that the GPs do not cover point source discharges of pollutants like construction dewatering of contaminated water; separate federal, state, and THPOs authorizations may be required for point sources.

- c. In accordance with Section 401 of the CWA, any project that may result in a discharge into waters of the United States requires a WQC.

Discharges Subject to State WQC Program:

Projects that are subject to a federal permit and projects that have the potential to result in discharge of pollutants into Waters of the State require a State WQC. See <http://www.dem.ri.gov/programs/water/permits/water-quality-certification.php> for more information and DEM OWR Permit Application Portal: <https://dem.ri.gov/owr-portal>.

The applicant must obtain all applicable state and federal permits and approvals prior to commencement of work in USACE jurisdiction.

Coastal Zone Management Act Federal Consistency Concurrence pursuant to Section 307 of the CZMA of 1972, as amended:

Federal consistency concurrence is required for all activities located within the coastal zone, unless determined otherwise by the Rhode Island CRMC (see GC 7). General CZM Federal Consistency Concurrence (General Concurrence): CRMC has granted General Concurrence for all SV and PCN activities for GPs 1-21.

The applicant must obtain all applicable state and federal permits and approvals prior to the commencement of work in USACE jurisdiction.

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-0003
Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.defense.gov/Privacy/SORNs/Index/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - <input type="text"/> Middle - <input type="text"/> Last - <input type="text"/> Company - <input type="text"/> E-mail Address - <input type="text"/>	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - <input type="text"/> Middle - <input type="text"/> Last - <input type="text"/> Company - <input type="text"/> E-mail Address - <input type="text"/>
6. APPLICANT'S ADDRESS: Address- <input type="text"/> City - <input type="text"/> State - <input type="text"/> Zip - <input type="text"/> Country - <input type="text"/>	9. AGENT'S ADDRESS: Address- <input type="text"/> City - <input type="text"/> State - <input type="text"/> Zip - <input type="text"/> Country - <input type="text"/>
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence <input type="text"/> b. Business <input type="text"/> c. Fax <input type="text"/>	10. AGENTS PHONE NOS. w/AREA CODE a. Residence <input type="text"/> b. Business <input type="text"/> c. Fax <input type="text"/>

STATEMENT OF AUTHORIZATION

11. I hereby authorize, to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) <input type="text"/>	
13. NAME OF WATERBODY, IF KNOWN (if applicable) <input type="text"/>	14. PROJECT STREET ADDRESS (if applicable) Address <input type="text"/>
15. LOCATION OF PROJECT Latitude: °N <input type="text"/> Longitude: °W <input type="text"/>	City - <input type="text"/> State- <input type="text"/> Zip- <input type="text"/>
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID <input type="text"/> Municipality <input type="text"/> Section - <input type="text"/> Township - <input type="text"/> Range - <input type="text"/>	

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type
Amount in Cubic Yards

Type
Amount in Cubic Yards

Type
Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL *	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
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* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.