

The following information is intended to aid in determining what may/may not require a permit from the U.S. Army Corps of Engineers (USACE) following the recent storm damage in Connecticut. We strongly advise the public to contact us with any questions regarding permitting:

- Kevin Kotelly at kevin.r.kotelly@usace.army.mil, 978-578-6406 (cell), or 978-318-8703 and 978-318-8338 (office)
- Daniel Breen at daniel.b.breen@usace.army.mil, 978-318-8831 and 978-318-8338 (office) for transportation and utility projects
- General email box: cenae-r-ct@usace.army.mil

A majority of work within waters of the U.S. (WOTUS) following the recent storm events is expected to qualify for verification under one or more activities authorized by the Connecticut General Permits (GPs), unless otherwise exempt. WOTUS include, but are not limited to, lakes/ponds, rivers, streams, intermittent streams, natural drainage courses, the ocean, and wetlands. Information regarding the New England District Regulatory Program, including our GPs and submitting a permit application (if applicable) can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory>

The following apply to work in WOTUS:

- **Discharge of dredged or fill material:** Permits are required for the discharge of fill material into waters of the U.S. pursuant to Section 404 of the Clean Water Act (CWA), unless otherwise exempt. Many activities to remediate storm damage may be exempt from permitting under the CWA if they involve returning sites to pre-disaster conditions (for example, replacing rip rap within areas that were previously stabilized with rip rap).
- **Structures located in or over navigable waters:** Permits are required for work or structures in or over navigable waters pursuant to Section 10 of the Rivers and Harbors Act of 1899. Navigable waters are defined as 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 329.4). The following WOTUS have been determined to be navigable in Connecticut: 1) all waters that are subject to the ebb and flow of the tide, and 2) the Connecticut River to the Massachusetts state line.
- **Exemptions:** 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.

- No permit is required for maintenance, repair, or replacement of moorings or pile-supported structures including floats, stairs/pads, and boat/float lifts as well as other miscellaneous structures within inland, non-coastal, non-navigable waters if there is no discharge of dredged or fill material.
- **GP authorized activities:** Certain flood response activities within WOTUS may qualify for verification of one or more of the following GPs:
 - GP 2. Repair or Maintenance of Existing Currently Serviceable, Authorized or Grandfathered Structures & Fills, Removal of Structures. This may include debris removal.
 - GP 3. Moorings
 - GP 4. Pile Supported Structures
 - GP 7. Dredging
 - GP 9. New Shoreline & Bank Stabilization Projects and Living Shorelines
 - GP 18. Wetland Crossings for Linear Transportation Projects
 - GP 19. Stream, River, and Brook Crossings (not including wetland crossings)
- **Standard Permits:** In cases where proposed work is not exempt, and does not qualify for one or more GPs, a standard permit may be required. You may apply for a standard permit by submitting a completed ENG 4345, which can be accessed, here: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>
- **Records:** We strongly advise that you properly document and maintain records that may be useful for evaluating your permit request, including photos. Taking before/after photos and sketching existing/proposed conditions is highly recommended. Please note the before/after footprint of fill, and document the length or rip rap/stabilization and the pre- and post- size of structures replaced.

The Connecticut Permits Section team remains poised to assist you with your permitting needs or questions.