

Permit No.: 199301040

Effective Date: August 24, 1993
Expiration Date: May 31, 1994

Applicant: General Public in Massachusetts

DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT
COMMONWEALTH OF MASSACHUSETTS

The New England Division of the U.S. Army Corps of Engineers hereby issues a programmatic general permit that expedites review of minimal impact work within coastal and inland waters and wetlands within the Commonwealth of Massachusetts. Activities with minimal impacts, as specified by the terms and conditions of this general permit, are either non-reporting (provided required local and state permits and required state certifications are received), or are to be screened by the Corps and federal resource agencies for applicability under the general permit. The Corps individual permit review process, and activities exempt from Corps jurisdiction, are not affected by this proposal.

Activities covered by this general permit include work and structures that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899), as well as the discharge of dredged or fill material into waters of the United States (regulated by the Corps under Section 404 of the Clean Water Act).

Procedures

A. State and Local Approvals

For projects authorized pursuant to this general permit, when the following state approvals are also required, they must be obtained in order for this general permit authorization to be valid (applicants are responsible for ensuring that all required state licenses and approvals have been applied for and obtained):

(a) A Final Order of Conditions under the Wetlands Protection Act (WPA) (MGL c. 131 Section 40) must be obtained for activities subject to jurisdiction as defined in 310 CMR 10.02.

(b) A waterways license or permit under MGL c. 91, from the Massachusetts Department of Environmental Protection (DEP) Division of Waterways must be obtained for activities subject to jurisdiction, as defined in 310 CMR 9.05.

(c) For work in Corps jurisdiction involving a discharge to waters of the U.S., an individual 401 water quality certification (WQC) ¹ must be obtained from the Massachusetts DEP before work can proceed pursuant to this general permit for the following circumstances:

1. proposed work that is not subject to the WPA (310 CMR 10.00) but does require a 401 Water Quality Certification and proposes the loss of bordering vegetated wetlands, land under water, or federal non-state wetland;
2. any project intended to create a real estate subdivision for which a Notice of Intent is submitted on or after October 1, 1992;

(1) See MGL c. 21 Sections 26 - 53 and regulations at 314 CMR 9.00, as supplemented by the Interim Guidance effective 10/1/92.

3. Any project which will result in the loss of more than 5,000 square feet of bordering vegetated wetlands or land under water;
4. proposed work in Outstanding Resource Waters (ORWs) as designated in 314 CMR 4.00;
5. proposed work in coastal areas, which will result in the loss of any amount of salt marsh;
6. projects involving dredging more than 100 cubic yards in navigable waters.

(d) Any project in Corps jurisdiction located within the Massachusetts coastal zone (as defined in 301 CMR 20.00 and 21.00 and the Massachusetts Coastal Zone atlas) which is above the review thresholds of the Massachusetts Environmental Policy Act (MEPA), including any project located in a coastal Area of Critical Environmental Concern (ACEC), must receive a Federal Consistency concurrence from the Office of Coastal Zone Management (CZM) before work can proceed. Any project in Corps jurisdiction located seaward of the Massachusetts coastal zone (the seaward boundary of the coastal zone is consistent with the state boundary, which is generally, though not in all areas, the three-mile limit) which may affect the land or water uses or natural resources of the coastal zone must receive a Federal Consistency concurrence or waiver from the Office of Coastal Zone Management before work can proceed.

B. Corps Authorization: Category I (Non-Reporting)

Work in Massachusetts that is subject to Corps jurisdiction², that meets the definition of Category I on the Definition of Categories sheet (attached), and that meets all of this permit's other conditions may proceed without application or notification to the Corps provided all required federal, state and local authorizations are obtained.

Work that is not subject to the Massachusetts Wetlands Protection Act (WPA), but is subject to Corps jurisdiction, is eligible for Corps authorization under this PGP; although an Order of Conditions is not required, the general permit review thresholds and requirements concerning WQC and CZM consistency apply. Such projects could include activities that are exempt from the WPA, and activities in federal wetlands (e.g., isolated wetlands), that are not covered under the WPA.

Although Category I projects are non-reporting, the Corps reserves the right to require review for an individual permit if there are concerns for the aquatic environment or any other factor of the public interest (see condition 5 on Discretionary Authority).

C. Corps Authorization: Category II (Screening)

i. Projects that do not meet the non-reporting thresholds will be screened by the Corps of Engineers and the federal resource agencies (Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) for a case-by-case determination of applicability under this general permit.

Screened projects may not proceed until written notification is received from the Corps and the applicable certifications or waivers concerning water quality and coastal zone management are received by the applicant.

For these projects, applicants should submit an application to the Corps; applicants filing a notice of intent (NOI) with

(2) See Condition 2 concerning federal jurisdictional boundaries.

their local Conservation Commission should submit a copy of their NOI materials to the Corps at the same time they apply to their Commission, along with additional information concerning the work within Corps jurisdiction².

Additional information required may include (a) purpose of the project; (b) 8 1/2" by 11" plan views of the entire property and project limits with existing and proposed conditions; (c) wetland delineation for the site, information on the basis of the delineation, and calculations of the impact areas²; (d) typical cross-section views of all wetland and waterway fill areas and wetland replication areas; (e) amount, type and source of fill material to be discharged into waters and wetlands, including the volume of fill below ordinary high water in inland waters, and below the high tide line in coastal waters; (f) mean high and mean low water elevations in navigable waters; (g) limits of any Federal navigation project in the vicinity and State Plane coordinates for the limits of the proposed work closest to the Federal project; (h) alternatives analyses submitted to the DEP for WQC review, and/or additional alternatives information compiled; (i) for dredging projects include the volume of material and area in square feet to be dredged below mean high water, existing and proposed water depths, type of dredging equipment to be used, nature of material (e.g. silty sand), any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects, information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area, and the location of the disposal site (include locus sheet). Additional information may be requested by the Corps; dredging applicants may be required to conduct sediment testing, including physical, chemical and biological testing.

Information submitted will be reviewed for categorization as to (1) projects that will be subject to interagency coordination procedures (see below); (2) projects that warrant further study by the Corps (the applicant may be contacted for additional information); (3) projects that are ineligible under the terms and/or conditions of this general permit; and (4) projects that the Corps determines will require individual permit review, irrespective of whether they meet the terms and conditions of this general permit, based on concern for the aquatic environment or any other factor of the public interest.

Projects to be screened will be reviewed with the Federal resource agencies at meetings held every three weeks, or as necessary to provide applicants with a timely response. The Corps and Federal agencies may agree on certain activities that do not need to be coordinated at these meetings. For projects to be reviewed with the Federal agencies, the agencies may recommend special conditions for projects to avoid or minimize adverse environmental effects and to insure that the terms and conditions of the general permit are met. The Corps will determine that a project is ineligible under this general permit and will begin its individual permit review procedures if any one of the Federal agencies, within 10 working days after the screening meeting, expresses a concern within their area of expertise, states the resource or species that could be impacted by the project, and

describes the impacts that, either individually or cumulatively, will be more than minimal.

This 10-day notice may be verbal and is not required to be fully documented, but must be confirmed with a written response within an additional 10 working days from the date of the verbal comment. The intent of the verbal notification is to allow the Corps to give timely notification to the applicant that additional information, or an individual Corps' permit, may be required. The Corps may reinstate a project's eligibility under the PGP provided the Federal agencies' concerns have been satisfied. Applicants must receive PGP authorization in writing from the Corps for projects in Category II prior to proceeding with regulated activities.

ii. **Historic Properties.** Applicants should submit a copy of their application materials to the Historic Preservation Officer at the Massachusetts Historical Commission (MHC) to be reviewed for the presence of historic/archaeological resources in the permit area that may be affected by the proposed work. Applicants should submit a statement to the Corps indicating that they have submitted this information to the MHC.

iii. **Projects that extend the coastline.** The construction of solid fill structures and fills along the coast may extend the coastline or baseline from which the territorial sea is measured, and must be coordinated with the Minerals Management Service (MMS), Outer Continental Shelf (OCS) Survey Group, pursuant to the Submerged Lands Act (43 U.S.C. Section 1301-1315, 33 CFR 320.4(f)). The Corps will forward project information to MMS for their review. MMS will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have 15 calendar days from the date MMS is in receipt of the project information to determine if the baseline will be affected. No notification within the 15 day review period will constitute a "no affect" determination. Otherwise, the solicitor's notification to the Corps may be verbal but must be followed with a written confirmation within 10 business days from the date of the verbal notification. This procedure will be eliminated if the Commonwealth of Massachusetts provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structures or fills authorized under this General Permit.

D. Corps Authorization: Category III (Individual Permit)

Work that is in Category III on the attached Definition of Categories sheet, or that does not meet the terms and conditions of this general permit, will require an application for an individual permit from the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay project review in such cases. The appropriate application materials (including either the NOI joint application form or the Corps application form) should be submitted by the applicant at the earliest possible date; general information and application forms can be obtained at (617) 647-8338.

Programmatic General Permit Conditions:

The following conditions apply to activities authorized under the Programmatic General Permit, including all Category I (non-reporting) and Category II (screening) activities:

1. Other Permits. Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries. Federal and state boundaries may or may not be the same; for example, the upper limit of the WPA-defined "bank" may or may not coincide with the Corps "ordinary high water"; the upper limit of the WPA-defined "beach" may or may not coincide with the Corps "high tide line"; the WPA wetland delineation based on vegetation may or may not coincide with the Corps delineation based on vegetation, soils and hydrology. Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328-329.
3. Minimal Effects. Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.
4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require review for an individual permit based on concerns for the aquatic environment or for any other factor of the public interest.
This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project, that is not already covered by the remaining conditions of the PGP, that warrants greater review.
Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this general permit is voided, and no work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this general permit.
5. Single and Complete Projects. This general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required.
6. Historic Properties. Any activity authorized by this general permit shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Massachusetts Historic Preservation Office and the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall immediately notify the Division Engineer.
7. National Lands. Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary (e.g. Stellwagen Bank) or any area administered by the National Park Service (e.g. Cape Cod National Seashore).
8. Endangered Species. No activity is authorized under this general permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified

under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species; or which would result in a "take" of any threatened or endangered species of fish or wildlife, or which would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants. Applicants shall notify the Corps if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work until notified by the district engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses and current Massachusetts list attached).

9. Wild and Scenic Rivers. This general permit does not authorize any activity that would adversely affect a component of the National Wild and Scenic River System, or a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the National Park Service (address attached).

10. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps' navigation project than a distance of three times the project's authorized depth (see attached map for locations of these projects) shall be subject to removal at the owner's expense prior to any future Corps' dredging or the performance of periodic hydrographic surveys.

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

12. Navigation. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

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

14. Work in Wetlands. Heavy equipment working in wetlands shall be avoided if possible, and if required shall be placed on mats to minimize soil and vegetation disturbance.

15. Temporary Fill. Temporary fill in waters and wetlands authorized by this general permit (e.g. access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original contours.

16. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland

location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

17. Waterway Crossings. (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction. (b) No open trench excavation shall be allowed in flowing waters. (c) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (note: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit). (d) For projects eligible for Category I, instream work shall be conducted during the low flow period July 15 - October 1 in any year; projects that are not to be conducted during that time period shall be screened pursuant to Category II, regardless of the fill and/or impact area.

18. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the Division Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that State water quality standards are met with issuance of the 401 Water Quality Certification.

19. Spawning Areas. Discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to these areas shall be avoided or minimized to the maximum extent practicable during all times of year.

20. Environmental Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to minimize any adverse impacts on fish, wildlife, and natural environmental values.

21. Inspections. The permittee shall permit the Division Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The Division Engineer may also require post-dredging survey drawings for any dredging work.

22. Maintenance. The permittee shall maintain the work or structures authorized herein in good condition, including maintenance to ensure public safety.

23. Property Rights. This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

24. Modification, Suspension and Revocation. This permit may be either 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.

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

26. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects. 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, or restoration.

27. False or Incomplete Information. If the Corps 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 permit shall not be valid and the Government may institute appropriate legal proceedings.

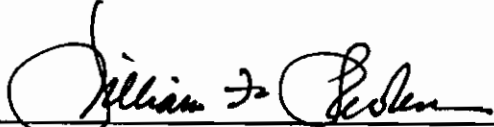
28. Abandonment. If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she must restore the area to the satisfaction of the Division Engineer.

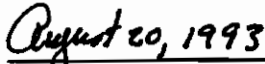
29. Duration of Authorization. Activities authorized under this general permit that have been commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date of the general permit's expiration, modification, or revocation, 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 authorization of the general permit that was in effect at the time the activity was completed will continue to be authorized by the general permit.

30. Previously Authorized Activities. (a) All pending applications received before the date of issuance of this general permit shall be reviewed according to the regulations in use at the time the applications were submitted.

(b) Activities which have commenced, i.e. are under construction, or are under contract to commence in reliance upon the terms and conditions of the non-reporting nationwide permits, prior to issuance of this general permit, shall remain authorized provided the activity is completed within twelve months of the date of issuance of this general permit, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4 (e) and 33 CFR 330.5. The applicant must be able to document to the Corps' satisfaction that the project was under construction or contract by the appropriate date.

(c) Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this PGP, for Nationwide permits, regional general permits, or letters of permission, shall remain authorized as specified in each authorization. (d) Activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates) are not affected by this general permit.


DISTRICT ENGINEER


DATE

DEFINITION OF CATEGORIES

A. INLAND WATERS AND WETLANDS (WATERS OF THE U.S.) (1)	CATEGORY I NON-REPORTING PGP	CATEGORY II SCREENED PGP	CATEGORY III INDIVIDUAL PERMIT REQUIRED
(a) FILL	Less than 5,000 square feet waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded, excavated). Fill includes temporary and permanent fill. This category excludes dams, dikes, water diversions and water withdrawals.	5,000 square foot to 1 acre waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded, excavated). Fill includes temporary and permanent fill. Any dam, dike, water diversion, or water withdrawal.	Greater than 1 acre waterway and/or wetland fill and secondary impacts (e.g., areas drained, flooded, excavated). Fill includes temporary and permanent fill.
(b) BANK STABILIZATION PROJECTS	Less than 500 linear feet and less than 1 cubic yard fill per linear foot below ordinary high water, provide no fill is placed in wetlands.	Projects that do not meet the terms under category I.	
(c) REPAIR/MAINTENANCE OF PREVIOUSLY AUTHORIZED FILL	For currently serviceable fills with no expansion or change in use.	For currently serviceable fills with expansion of any amount up to 1 acre, and/or change in use.	Replacement or expansion of greater than 1 acre fill.
B. COASTAL WATERS OF THE U.S. AND NAVIGABLE WATERS (2)			
(a) FILL	N/A	Up to 1 acre waterway fill and/or secondary waterway or wetland impacts (e.g., areas drained or flooded). Fill includes temporary and permanent waterway fill.	Greater than 1 acre waterway fill and/or secondary waterway or wetland impacts (e.g., areas drained or flooded). Fill includes temporary and permanent waterway fill.
(b) BANK STABILIZATION	N/A	Up to 1 acre temporary salt marsh fill or excavation and backfill.	Any amount of permanent salt marsh fill.
(c) REPAIR/MAINTENANCE OF PREVIOUSLY-AUTHORIZED STRUCTURES OR FILL	For currently serviceable structures or fill with no expansion or change in use.	Repair and maintenance of existing, previously authorized coastal or navigable waters bank stabilization (e.g., armoring) expansion of fill up to 1 acre.	Any new or reconstructed coastal or navigable waters bank stabilization project (e.g., armoring). Replacement or expansion of greater than 1 acre of fill.
		Replacement of non-serviceable structures or fill. Covers replacement of fill up to 1 acre.	

	CATEGORY I NON-REPORTING PGP	CATEGORY II SCREENED PGP	CATEGORY III INDIVIDUAL PERMIT REQUIRED
(d) DREDGING	Maintenance Dredging less than 1,000 c.y. with upland disposal; provided proper siltation controls are used; limited to dredging and disposal operations conducted between Nov. 1 and Jan. 15 in any season.	Maintenance dredging greater than 1,000 c.y. or that does not meet the terms in Category I; upland disposal required. New dredging up to 10,000 c.y.; upland disposal required.	Maintenance dredging (any amount) in or affecting a special aquatic site (3), or with open water disposal. New dredging greater than 10,000 c.y. or of any amount in or affecting a special aquatic site (3), or with open water disposal.
(e) MOORINGS	Private, non-commercial, non-rental, single boat moorings not associated with any boating facility. (4)	Moorings that do not meet the terms in Category 1.	Moorings within the horizontal limits, or with moored vessels that extend within the limits, of Corps Federal Navigation Projects.
(f) PILE-SUPPORTED STRUCTURES AND PIERS; FLOATS	Private, bottom-anchored floats not associated with any boating facility (4); up to 400 square feet in size; supported off the substrate at low tide, and not positioned over vegetated shallows (5) or salt marsh. Piers and structures licensed by Chapter 91 through the amnesty program. Private, pile-supported piers for navigational access to the waterway, up to 1,000 s.f. in size; may have attached floats up to 200 s.f. in size; provided the pier and floats are not positioned over vegetated shallows (5) or salt marsh, floats are supported off the substrate at low tide, and that a Chapter 91 license has been issued.	Private piers and floats that do not meet the terms in Category I. Expansions to existing boating facilities (4).	Pile-supported structures, piers and pile-supported or bottom anchored floats associated with a new or previously unauthorized boating facility. (4) Any structure, pier, or float that extends, or with docked or moored vessels that extend, within the horizontal limits of Corps Federal Navigation Projects.

CATEGORY I
NON-REPORTING PGP

CATEGORY II
SCREENED PGP

CATEGORY III
INDIVIDUAL PERMIT REQUIRED

C. GENERAL

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| <ul style="list-style-type: none"> i. Temporary buoys, markers, floats, and similar structures for recreational use during specific events, provided they are removed within 30 days after the use has been discontinued. ii. Coast Guard – approved aids to navigation. iii. Oil spill clean – up temporary structures or fill. iv. Fish and Wildlife harvesting structures or fill. v. Structures (including fill) licensed by chapter 91 through the amnesty program. | <ul style="list-style-type: none"> i. Structures and work in or affecting navigable waters that are not defined under any of the headings listed above. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines out falls, bridges, boat ramps, etc. ii. Shellfish aquaculture facilities; refer to limitations of Corps aquaculture Letter of Permission dated Sep. 1, 1991, incorporated herein. | <ul style="list-style-type: none"> i. EIS required by the Corps. ii. Structures or work within the horizontal limits of Corps Federal navigation projects, or with docked or moored vessels that extend within those limits; (does not include utility lines; aerial and subsurface crossings fall into Category III). |
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Footnotes

1. Waters of the U.S., Inland Areas: Inland rivers, lakes, streams and wetlands
2. Navigable Waters: waters that are subject to the ebb and flow of the tide, and Federally designated navigable rivers (the Merrimack River, Connecticut River, and the Charles River to the Watstown dam in Massachusetts).
3. Special Aquatic Sites Include wetlands (salt marsh), mudflats and vegetated shallows.
4. Boating facilities: facilities that provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, town facilities, dockminiums.
5. Vegetated Shallows: Subtidal areas that support rooted aquatic vegetation such as eelgrass.

Contacts for Programmatic General Permit:

**U.S. Army Corps of Engineers
Regulatory Division
424 Trapelo Road
Waltham, Massachusetts 02254-9149
617-647-8335
800-343-4789 or 800-362-4367 from within Massachusetts**

**Massachusetts Historical Commission
80 Boylston Street
Boston, Massachusetts 02116
617-727-8470**

**Coastal Zone Management
20th Floor
100 Cambridge Street
Boston, Massachusetts 02202
617-727-9530**

**National Park Service
North Atlantic Region
15 State Street
Boston, Massachusetts 02109-3572**

(National Wild and Scenic Rivers System study segments for Massachusetts as of June 2, 1992, include segments of the West Branch of the Farmington River, segments of the Sudbury, Assabet and Concord Rivers, and segments of the Westfield River.)

Federal Endangered Species:

**U.S. Fish and Wildlife Service
Ralph Pill Marketplace, 4th Floor
22 Bridge Street
Concord, New Hampshire 03301-4901
603-225-1411**

**National Marine Fisheries Service
One Blackburn Drive
Gloucester, Massachusetts 01930-2298
508-281-9300**

Massachusetts Department of Environmental Protection (DEP):

**DEP-Water Pollution Control
One Winter Street
Boston, Massachusetts 02108
617-292-5695**

Regional DEP Offices:

**DEP-Western Region
Water Pollution Control
436 Dwight Street
Springfield, Massachusetts 01103
413-784-1100 x214**

**DEP-Central Region
Water Pollution Control
75 Grove Street
Worcester, Massachusetts 01605
508-792-7683**

**DEP-Southeast Region
Water Pollution Control
20 Riverside Drive
Lakeville, Massachusetts 02347
508-946-2800**

**DEP-Northeast Region
Water Pollution Control
10 Commerce Way
Woburn, Massachusetts 01801
617-935-2160 x112**

Federal Navigation Projects in Massachusetts

