Applicant: General Public in Massachusetts

Effective Date: April 16, 2018
Expiration Date: April 5, 2023

Department of the Army
General Permits for the Commonwealth of Massachusetts

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues General Permits (GPs) for activities subject to Corps jurisdiction in waters of the U.S., including navigable waters, within the boundaries of, and off the coast of, the Commonwealth of Massachusetts, excluding work within the boundaries of Indian tribal lands. These GPs are issued in accordance with Corps regulations at 33 CFR Parts 320-332 (see 33 CFR 325.2(e)(2)). The GPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects. This document supersedes the February 4, 2015 GPs.

This GP document contains the following sections:

I. GENERAL CRITERIA

1. See Section II to determine if the activity requires Corps authorization, and Sections III and IV to determine if the activity may be eligible for authorization under the GPs, specifically whether it is eligible for self-verification (SV) or a preconstruction notification (PCN) or an individual permit (IP) is required.

2. In order for activities to qualify for these GPs, they must comply with all applicable GP eligibility criteria and general conditions in Section IV.

3. Project proponents are encouraged to contact the Corps with questions at any time. Pre-application meetings (see 33 CFR 325.1(b)) are encouraged to facilitate early review and help streamline the permit process by alerting the applicant to potential obstacles that may arise during the evaluation (e.g., historic properties general condition (GC) 7 and endangered species (GC 10)).

4. Regulated activities that are not authorized by these GPs require IPs (see 33 CFR 325.5(b)) and proponents must submit an application directly to the Corps. (Projects that require an IP will also require an individual 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP) and Coastal Zone Management (CZM) individual consistency concurrence from the Massachusetts Office of CZM.) These GPs do not affect the Corps IP review process or activities exempt from Corps permit requirements. The Corps retains discretionary authority on a case-by-case basis to elevate a SV to PCN or IP, or a PCN to IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever the Corps notifies an applicant that a PCN or IP is required, no work in Corps jurisdiction may be conducted until the Corps issues the required authorization in writing indicating that work may proceed.

5. How to Obtain/Apply for Authorization

a. Self-verification (Self-Verification Notification Form (SVNF) required):
The project proponent may proceed with activities authorized under these GPs that are eligible for SV without submitting a PCN to the Corps provided the prospective permittee has:

i. Verified that the activity will comply with all applicable terms and conditions of the GPs and ensured that a PCN is not required. Consultation with the Corps and/or other relevant Federal and State agencies may be necessary to ensure compliance with the applicable GCs in Section IV and related Federal laws such as 33 U.S.C. 408 (GC 5), the National Historic Preservation Act (GC 7), the Endangered Species Act (GC 10) and the Wild and Scenic Rivers Act (GC 8). The Corps can confirm that SV eligible activities are authorized under the GPs upon request.

ii. Submitted the SVNF (Section V) to the Corps unless otherwise specified. By submitting the SVNF, you are self-verifying that your project meets the terms and conditions of the applicable GPs.

b. Preconstruction Notification (application required):

i. For activities that do not qualify for SV or when it is stated that a PCN is required, the permittee must submit a PCN to obtain written verification from the Corps before starting work in Corps jurisdiction. Applicants must include the information in Section VI to ensure the application is complete and to expedite project review. Applications should be emailed to cenae-r@usace.army.mil or to the Corps project manager if one has been assigned. If the Corps determines that the PCN activity qualifies for authorization under these GPs, the Corps will send a verification letter to the applicant. If the Corps determines that the activity does not qualify for authorization under these GPs, or that additional information is required, the Corps will notify the applicant in writing.

ii. Emergency Situations: Contact the Corps in the event of an emergency situation for information on the application and approval process. Emergency situations are limited to sudden, unexpected occurrences that could potentially 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 an 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 the GPs; otherwise an IP is required. The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

II. JURISDICTION/AUTHORITIES TO ISSUE PERMITS

1. The following regulated activities require authorization under the Corps Regulatory Program:

a. The construction of any structure in, over or under any navigable water of the United States (U.S.), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section (§) 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322;

b. The discharge of dredged or fill material into waters of the U.S. The Corps regulates these activities under §404 of the Clean Water Act (CWA). See 33 CFR 323; and

c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under §103 of the Marine Protection, Research and Sanctuaries Act. See 33 CFR 324.

2. Related laws: 33 CFR 320.3 includes a list of related laws, including but not limited to: §401 and §402 of the CWA, §307(c) of the CZM Act of 1972, the National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Marine Mammal Protection Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, and §7(a) of the Wild and Scenic Rivers Act.

III. ELIGIBLE ACTIVITIES

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

The area thresholds stated in GPs 1, 8-14, 16-20 and 23 apply when there is a discharge of dredged or fill material or a discharge associated with excavation in waters of the U.S. Unless otherwise stated, the total temporary and permanent impact area is used to determine if a single and complete project is eligible for SV or requires a PCN. An IP is required if the total permanent impact area exceeds the PCN/GP threshold.

Permanent impacts mean waters of the U.S. 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 include, but are not limited to, waters of the U.S. 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. Impacts resulting from activities eligible for exemptions under §404(f) of the CWA are not considered when calculating the impact area.

General Permits

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3. Structures in Navigable Waters of the U.S.
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20. Agricultural Activities
21. Fish and Wildlife Harvesting and Attraction Devices and Activities
22. Aquaculture Activities
23. Aquatic Habitat Restoration, Establishment and Enhancement Activities

GP 1. Maintenance (Authorities: §§10 and 404) Authorized are: (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified in the original permit or the most recently authorized modification (see Note 1). Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are also eligible. This GP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided it is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, the Corps may waive the two-year limit in writing provided the permittee can demonstrate funding, contract, or other similar delays; (b) The removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). All dredged or excavated materials must be deposited and retained in an area that has no waters of the U.S. unless otherwise specifically approved by the Corps under separate authorization; and (c) Temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity.

Not authorized under GP 1 (IP required): (a) Permanent impacts that are >1 acre in non-tidal waters of the U.S.; >1/2 acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in tidal vegetated shallows; (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1]; (c) Stream crossing modifications (including sliplining), replacements or extensions (see GPs 8 - 10); (d) New stream channelization or stream relocation projects (e.g., those in response to storm or flood events); or (e) Maintenance dredging, beach nourishment or beach restoration (see GP 5).

Self-Verification Eligible[1]	PCN Required[1]
Activities that do not require a PCN or an IP.	1. Minor deviations result in expansions (e.g., structures) or new permanent or temporary impacts (i.e., outside of the previously authorized footprint) in waters of the U.S. This includes bank or shoreline stabilization in front of existing structures; or 2. For authorized activity (b) above, the removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend >200 feet in any direction from the structure; or 3. Impacts occur in special aquatic sites (SAS) other than non-tidal wetlands; or 4. Stream crossing work that does not require an IP. Minor repairs are SV eligible. 5. Dam and flood control or levee repair, rehabilitation, or replacement involves: (a) a change in the flood elevation or permanent water surface elevation of the impoundment; or (b) drawdown of impoundment for construction exceeding one growing season; or (c) any modification that changes the character, scope, or size of the original fill design; or 6. The discharge of more than de minimis (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters (see Note 2); or 7. Work on tide gates without a Corps-approved operation and maintenance plan or changes affecting the hydraulic regime; or 8. Repair or replacement of currently-serviceable tide gates through the use of duckbill, flap gate or manual check valves unless installed on existing outfall discharge pipes conveying

[1] Temporary construction mats placed in an area of any size in non-tidal waters necessary to conduct activities do not count towards the SV or PCN/GP thresholds. Temporary construction mats in tidal SAS or >5000 SF in tidal waters require a PCN, but mats placed in an area of any size do not count towards the PCN/GP area thresholds. This only applies to temporary construction mats, not other temporary fill. See GCs 3(a), 13 and 14.

	stormwater and/or industrial NPDES-permitted discharges from waters that are not waters of the U.S.; or 9. Activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, or Merrimack River from the Essex Dam to the mouth, involving permanent or temporary impacts unless they are performed: (a) ≤5 feet waterward from the ordinary high water mark (OHW) or high tide line (HTL) and in the dry; or (b) from Sep. 1 to Oct. 14. This is to protect endangered species; or 10. Activities that do not require an IP. Activities that do not require a PCN or an IP may be SV eligible.
Notes: 1. This authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the CWA §404(f) exemption for maintenance. See 33 CFR 323.4(a)(2). Prior Corps permits may have included authorization to maintain the activity, in which case authorization under this GP is not necessary. 2. See Corps Regulatory Guidance Letter No. 05-04 for more info.	

GP 2. Moorings (Authority: §10)

New moorings and mooring fields; the relocation of previously authorized[2] moorings; expansions, boundary reconfigurations or modifications of previously authorized mooring fields; and maintenance and replacement of moorings.

Not authorized under GP 2 (IP required): (a) Moorings or mooring fields converted to or associated with a new boating facility[3]; (b) Moorings in a Corps Federal anchorage that are classified as a boating facility[3] except municipal-operated mooring fields; or (c) Moorings in a Corps Federal channel.

Self-Verification Eligible	PCN Required
1. New or relocated moorings that meet all of the following terms: a. Authorized by a local harbormaster/municipality under MGL Chapter 91 §10A; and b. Single boat, single-point and non-commercial; and c. Not associated with a boating facility[3]; and d. Neither placed within nor impact tidal vegetated shallows (e.g., eelgrass); and e. Attached to boats that do not contact the substrate during any tidal cycle; and f. Not located within a Corps Federal navigation project (FNP) or the FNP buffer zone. 2. Existing, authorized moorings are converted from traditional moorings to low impact mooring technology (see note below) and/or helical anchors. 3. Maintenance and replacement of authorized[2] moorings.	1. New mooring fields; or expansions, boundary reconfigurations or modifications of existing, authorized mooring fields; or 2. Moorings that are not SV eligible and do not require an IP. See Note 2.
Notes: 1. Low impact mooring technology prevents any part of the tackle from dragging on the bottom during the tidal cycle. 2. Locating new individual moorings in tidal vegetated shallows shall be avoided to the maximum extent practicable. If tidal vegetated shallows cannot be avoided, plans should show low impact mooring technology that prevent moorings chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems, where practicable. For moorings that appear to impact tidal vegetated shallows, the Corps may require an eelgrass survey.	

[2] For all GPs, "authorized" means authorized by the Corps in writing or by 33 CFR 330.3, not a state or municipality, unless otherwise stated. An SVNF was not required before January 21, 2010.

[3] Boating facilities provide for a fee, rent or sell mooring or docking space, such as marinas, yacht clubs, boat clubs, boat yards, dockominiums, town facilities, land/home owners associations, etc. Not classified as boating facilities are municipal moorings or municipal mooring fields that charge an equitable user fee based only on the actual costs incurred.

GP 3. Structures in Navigable Waters of the U.S. (Authority: §10)

New, expansions, reconfigurations or modifications of structures in navigable waters of the U.S. including pile and pole-supported piers, floats, stairs, shore outhauls, and boat and float lifts.

Not authorized under GP 3 (IP required): (a) Structures associated with a new boating facility; (b) Structures in a Corps Federal anchorage or channel; or (c) Artificial reefs

Self-Verification Eligible	PCN Required
1. Private, non-commercial piers, floats and lifts that meet all of the following terms: a. Piers span ≤75 feet over salt marsh and are ≤4 feet wide and ≥4 feet above the marsh substrate (the height is measured from the marsh substrate to the bottom of the lowest longitudinal support); and b. Floats and lifts in tidal waters and non-tidal navigable waters of the U.S. are ≥18 inches above the substrate during all tidal cycles. Skids can only be used in areas where piles are not feasible and on sandy or hard bottom substrates; and c. Piers and floats in: (i) Tidal waters total ≤600 SF combined; and (ii) Non-tidal navigable waters of the U.S. total ≤300 SF combined; and d. Piers, floats and lifts: (i) Are ≥25 feet from previously mapped or existing vegetated shallows, or riparian property line extensions; and (ii) Extend ≤25% of the waterway width or ≤75 feet waterward from OHW in non-tidal navigable waters of the U.S. or mean high water (MHW). See Note 1. 2. Fenders and similar structures.	1. Shore outhauls; or 2. Expansions, modifications, or new reconfiguration zones at any authorized boating facility; or 3. New, expansions, reconfigurations, reconfiguration zones, or modifications of structures that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc.; or 4. Miscellaneous structures; or 5. Structures that are not SV eligible and do not require an IP.

Notes:
1. See www.nae.usace.army.mil/missions/regulatory/useful-documents-forms-and-publications >> Structure Placement in Navigable Waterways for guidance.
2. GC 11, Pile Driving and Removal, is particularly relevant.

GP 4. Aids to Navigation and Temporary Recreational Structures (Authority: §10)

(a) The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (USCG). See 33 CFR, chapter I, subchapter C, part 66; and
(b) Temporary buoys, markers, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use. See GC 6.

Self-Verification Eligible	PCN Required
1. Aids to navigation and regulatory markers approved by and installed in accordance with the requirements of the USCG. 2. Temporary buoys, markers and similar structures that are: (a) placed for recreational use during specific events and removed within 30 days after event; (b) placed during winter events on ice and removed before spring thaw; (c) authorized by the local harbormaster; (d) Not located within an FNP; and (e) Not located in SAS.	Activities that are not SV eligible.

Note: An SVNF is not required for work authorized under SV #1 above.

GP 5. Dredging (Authority: §10; navigable waters of the U.S.), Disposal of Dredged Material (Authorities: §§10, 404 & 103; tidal waters of the U.S.), Beach Nourishment (Authorities: §§10 & 404; tidal and non-tidal waters of the U.S.), Rock Removal (Authority: §10, navigable waters of the U.S.) and Rock Relocation (Authorities: §§10 & 404; tidal and non-tidal waters of the U.S)

(a) New, maintenance and improvement dredging, including: (i) Return water from an upland contained dredged material disposal area; and (ii) Disposal of dredged material at an upland, confined aquatic disposal cell, beach nourishment, nearshore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; and (b) Beach nourishment from upland sources.

Not authorized under GP 5 (IP required): (a) New dredging >½ acre; ≥10,000 CY; >1000 SF of impacts to intertidal areas, saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF of impacts to tidal vegetated shallows; (b) Maintenance or improvement dredging and/or disposal with >1 acre of impacts to SAS; (c) New dredging where the primary purpose is sand mining for beach nourishment; (d) Beach scraping; (e) Boulder removal and relocation for navigation >½ acre; or (f) Blasting.

Self-Verification Eligible[1]	PCN Required[1]
1. Maintenance dredging of previously dredged areas, with upland disposal, that meet all of the following terms: a. Dredged area ≤½ acre; and b. Not located in right whale critical habitat (see Note 1), tidal waters from Mar 16 to Oct 31, the Connecticut River from the Turners Falls Dam to the MA/CT border, or the Merrimack River from the Essex Dam to the mouth. This is to protect endangered species; and c. Not located in: (i) Tidal waters from Jan 15 to Oct 31; (ii) The Connecticut River from the MA/NH border to the Turners Falls Dam from Mar 15 to Nov 15; (iii) The Merrimack River from the MA/NH border to the Essex Dam from Mar 1 to Nov 15; or (iv) The Charles River from the Watertown Dam to the Amelia Earhart Dam from Feb 15 to Nov 15. However, the time-of-year restriction(s) stated in Appendix B of the MA DMF Technical Report TR-47 (see Note 2) can apply instead if they are provided for a specific waterbody and less restrictive. This is to protect EFH and other species; and d. No impacts to tidal SAS, intertidal areas, areas located within 25' of salt marsh or 100' of vegetated shallows, or areas containing shellfish (an area contains shellfish unless: (i) it is verified that minimal shellfish are present per the local shellfish constable or an actual survey; or (ii) it is not a shellfish suitability area per the MassGIS shellfish suitability maps (see Note 3)); and e. No return water from upland disposal areas. 2. Boulder relocation with ≤100 SF of impacts, no impacts to SAS and relocated to a similar depth and substrate.	1. Maintenance dredging where the primary purpose is sand mining for beach nourishment; or 2. New dredging and associated disposal <1/2 acre or <10,000 cubic yards; or 3. Improvement dredging; or 4. Beach nourishment in waters of the U.S. not associated with dredging; or 5. Activities that are not eligible for SV and do not require an IP.

Notes:
1. See www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit >> right whale critical habitat. The approximate boundaries are from the MA/NH border to Chatham.
2. See www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit >> MA DMF Technical Report TR-47.
3. See www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit >> MassGIS shellfish suitability maps.
4. Compensatory mitigation is generally required for impacts to tidal SAS and intertidal areas resulting from new dredging.
5. Contact the Corps if a ten-year authorization to maintain an area is desired.

GP 6. U.S. Coast Guard Approved Bridges (Authorities: §404)

Discharges of dredged or fill material incidental to the construction and modification of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under §9 of the Rivers and Harbors Act of 1899 or other applicable laws. A USCG Authorization Act Exemption or a Surface Transportation and Uniform Relocation Assistance Act (STURRA) (144h) exemption do not constitute USCG authorization.

Not authorized under GP 6: Causeways and approach fills (see GP 10).

Self-Verification Eligible	PCN Required
Discharges of dredged or fill material incidental to the construction of bridges.	

Note: As with all other GPs, a PCN may be required if stated in the General Conditions section.

GP 7. Bank and Shoreline Stabilization (Authorities: §§10 & 404)

Bank and shoreline stabilization activities in waters of the U.S. necessary for erosion control or prevention, such as vegetative stabilization, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of techniques (e.g., living shorelines), provided the activity meets all of the following criteria: (a) No material is placed in excess of the minimum needed for erosion protection; (b) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the U.S.; and (c) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas.

Not authorized under GP 7 (IP required): (a) Bank stabilization >500 feet in total length including both stream banks unless the Corps waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse effects; (b) Stream channelization or relocation activities; or (c) Breakwaters, groins or jetties.

Self-Verification Eligible[1]	PCN Required[1]
Activities in non-tidal waters that meet all of the following terms: a. ≤100 feet in length including both stream banks; or ≤100 feet in length on each side of the stream bank when necessary to protect transportation infrastructure; and b. ≤1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW; and c. The slope of the structure is more gradual than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams; and d. No impacts to SAS.	1. Activities in non-tidal waters that are: a. >100 feet to ≤500 feet in length including both stream banks; or >100 feet in total length on each side of the stream bank and ≤500 feet including both stream banks when necessary to protect transportation infrastructure; or b. >1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW; or c. The slope of the structure is steeper than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams; or d. Impacts to SAS; or 2. The activity is located in tidal waters; or 3. Bulkheads, seawalls or similar structures for maritime activities; or 4. Activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, or Merrimack River from the Essex Dam to the mouth, involving permanent or temporary impacts unless they are performed: (a) <5 feet waterward from OHW or HTL and in the dry; or (b) from Sep. 1 to Oct. 14. This is to protect endangered species; or 5. Activities that are not eligible for SV and do not require an IP.

Note: See GP 1 for information on the replacement or maintenance of existing, currently serviceable structures.

GP 8. Residential, Commercial and Institutional Developments and Recreational Facilities (Authorities: §404)

Discharges of dredged or fill material into non-tidal waters of the U.S for the construction or expansion of: (a) Residences and residential subdivisions; (b) Residential, commercial and institutional building foundations and building pads and attendant features such as roads, parking lots, garages, yards, and utility lines; and (c) Recreational facilities.

Not authorized under GP 8 (IP required): (a) Permanent impacts in non-tidal waters of the U.S. that are >1 acre, or >1000 SF in riffle and pool complexes or vegetated shallows; or (b) Subsurface sewerage disposal systems in waters of the U.S. (see Note 1 below).

Self-Verification Eligible[1]	PCN Required[1]
Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes.	1. Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes; or 2. Stream and wetland crossings (see Note 2) that require a PCN per GC 19(b)-(e); or 3. Stream channelization, relocation, impoundment, or loss of streambed occurs; or 4. Activities that are not SV eligible and do not require an IP.

Notes:

1. Stormwater conveyance components and non-porous, septic effluent pipes that transmit effluent to or between components may be eligible for authorization under GP 9.
2. Stream and wetland crossings include permanent and temporary crossings, including those built with construction mats; and modifications (including sliplining), replacements or extensions to existing crossings.

GP 9. Utility Line Activities (Authorities: §§10 & 404)

Activities required for: (a) The construction, maintenance, repair or removal of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines in tidal and non-tidal waters of the U.S.; (b) The construction, maintenance, or expansion of utility line substation facilities associated with a power line or utility line in non-tidal waters of the U.S.; and (c) The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in tidal and non-tidal waters of the U.S. provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible. This GP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the U.S., provided the activity, in combination with all other activities included in one single and complete project, does not cause the permanent loss of greater than 1 acre of non-tidal waters of the U.S. Access roads used solely for construction of the utility line must be removed upon completion of the work (see GC 15).

Not authorized under GP 9 (IP required): (a) Permanent impacts for any single and complete project that are >1 acre in non-tidal waters of the U.S.; >½ acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in tidal vegetated shallows; (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1]; or (c) New tide gates that do not meet SV 3 below.

Self-Verification Eligible[1]	PCN Required[1]
Activities that meet all of the following terms: 1. Cumulative permanent and temporary impacts for all single and complete projects associated with the overall project (see Note 2) in non-tidal waters of the U.S. that: (a) total ≤5000 SF; and (b) are not located in vegetated shallows or riffle and pool complexes; and 2. Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments; and 3. New tide gates on outfall structures for pipes conveying stormwater and/or industrial NPDES-permitted discharges from waters that are not waters of the U.S.	1. Cumulative permanent and temporary impacts for all single and complete projects associated with the overall project (see Note 2) in non-tidal waters of the U.S. that: (a) total >5000 SF; or (b) are located in vegetated shallows or riffle and pool complexes; or 2. The activity occurs in tidal waters or in, over or under navigable waters of the U.S.; or 3. Access roads involving stream and wetland crossings (see Note 3) that require a PCN per GC 19(b)-(e); or 4. Stream channelization, relocation, impoundment, or loss of streambed occurs; or 5. The utility line is placed within and runs parallel to or along a streambed; or 6. There is a permanent change in preconstruction contours in waters of the U.S.; or 7. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for >3 months (material must be placed such that it is not dispersed by currents or other forces); or 8. Activities that are not SV eligible and do not require an IP.

Notes:

1. A utility line is defined as 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.
2. The PCN must describe the locations of the starting point, end point, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects for the overall project.
3. Stream and wetland crossings include permanent and temporary crossings, including those built with construction mats; and modifications (including sliplining), replacements or extensions to existing crossings.
4. Impacts resulting from mechanized pushing, dragging, or other similar activities that redeposit excavated soil material shall be figured into the area limit determination.

GP 10. Linear Transportation Projects and Stream Crossings (Authorities: §§10 & 404)

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features. Any stream channel modification is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. Access roads constructed above preconstruction contours and elevations in waters of the U.S. must be properly bridged or culverted to maintain surface flows.

Not authorized under GP 10 (IP required): (a) Permanent impacts for any single and complete project that are >1 acre in non-tidal waters of the U.S.; >½ acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in tidal vegetated shallows; (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1]; (c) Non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars (see GP 8); or (d) Tide gates.

Self-Verification Eligible[1]	PCN Required[1]
Cumulative permanent and temporary impacts for all single and complete projects associated with the overall project (see Note 2) in non-tidal waters of the U.S. that: (a) total ≤5000 SF; and (b) are not located in vegetated shallows or riffle and pool complexes.	1. Cumulative permanent and temporary impacts in non-tidal waters of the U.S. for all single and complete projects associated with the overall project (see Note 2) that: (a) total >5000 SF; or (b) are located in vegetated shallows or riffle and pool complexes; or 2. The activity occurs in tidal waters or in, over or under navigable waters of the U.S.; or 3. Stream and wetland crossings (see Note 3) that require a PCN per GC 19(b)-(e); or 4. Stream channelization, relocation, or loss of streambed (see Note 4) including impoundments, occur; or 5. Activities that are not eligible for SV and do not require an IP.

Notes:
1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S. may be authorized under GP 6.
2. The PCN must describe the locations of the starting point, end point, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects of the overall project.
3. Stream and wetland crossings include permanent and temporary crossings, including those built with construction mats; and modifications (including sliplining), replacements or extensions to existing crossings.
4. Loss of streambed does not require a PCN when: a) stream crossings are constructed in accordance with GC 19; or b) bridge piers or similar supports are used.

GP 11. Mining Activities (Authorities: §§10 and 404)

Discharges of dredged or fill material into non-tidal waters of the U.S. for mining activities, except for coal mining and metallic mineral mining activities.

Not authorized under GP 11 (IP required): (a) Permanent impacts >1 acre in non-tidal waters of the U.S.; or (b) Activities in tidal waters.

Self-Verification Eligible[1]	PCN Required[1]
Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF: and (b) not located in vegetated shallows or riffle and pool complexes.	1. Permanent and temporary impacts in non-tidal waters and wetlands that are: (a) >5000 SF; or (b) located in vegetated shallows or streams; or 2. The activity occurs in non-tidal navigable waters of the U.S.; or 3. Stream channelization, relocation, impoundment, loss of streambed, or discharge of tailings into streams occurs; or 4. Activities that are not eligible for SV and do not require an IP.

GP 12. Boat Ramps and Marine Railways (Authorities: §§10 and 404)

Activities required for the construction of boat ramps and marine railways.

Not authorized under GP 12 (IP required): (a) Permanent impacts that are >1 acre in non-tidal waters of the U.S., >½ acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in tidal vegetated shallows; (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1]; or (c) dredging in navigable waters of the U.S. (see GP 5).

Self-Verification Eligible[1]	PCN Required[1]
Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes[1].	1. Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes; or 2. The activity occurs in tidal or navigable waters of the U.S.; or 3. Boat ramps are located within 25 feet of property line extensions unless the properties are owned by the same owner. The Corps may require a letter of no objection from the abutter(s); or 4. Activities that are not eligible for SV and do not require an IP.

GP 13. Land and Water-Based Renewable Energy Generation Facilities (Authorities: §§10 and 404), and Hydropower Projects (Authority: §404)

Structures and work in navigable waters of the U.S. and discharges of dredged or fill material into tidal and non-tidal waters of the U.S. for the construction, expansion, modification or removal of: (a) Land-based renewable energy production facilities, including attendant features; (b) Water-based wind or hydrokinetic renewable energy generation projects and their attendant features; and (c) Discharges of dredged or fill material associated with hydropower projects.

For (a) and (b) above, such facilities include water-based wind or hydrokinetic renewable energy generation projects and infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots. For each single and complete project in (b) above, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized in navigable waters of the U.S.

Not authorized under GP 13 (IP required): (a) Permanent impacts that are >1 acre in non-tidal waters of the U.S., >½ acre in tidal waters; >1000 SF in saltmarsh, mud flats, riffle and pool complexes, or non-tidal vegetated shallows; or >100 SF in vegetated shallows; or (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1].

Self-Verification Eligible[1]	PCN Required[1]
For land-based facilities, permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes.	1. For land-based facilities, permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes[1]; or 2. Water-based wind or hydrokinetic renewable energy generation projects, and hydropower projects; or 3. For all activities eligible for authorization under GP 13: a) The activity occurs in tidal waters or in, over or under navigable waters of the U.S.; or b) Stream channelization, relocation, impoundment, or loss of streambed occurs; or 4. Activities that are not eligible for SV and do not require an IP.

Note: Utility lines constructed to transfer the energy from the land-based renewable generation or collection facility to a distribution system, regional grid, or other facility may be authorized by GP 9.

GP 14. Temporary Construction, Access, and Dewatering (Authorities: §§10 and 404)

Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites that are not authorized under another GP activity.

Not authorized under GP 14 (IP required): (a) Permanent structures or impacts; (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows (see exception in Note 3 below); (c) Use of cofferdams to dewater wetlands or other aquatic areas to change their use; (d) Temporary stream crossings (see GPs 8 - 10); (e) Structures or fill left in place after construction is completed.

Self-Verification Eligible	PCN Required
Activities that meet all of the following terms: 1. Impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes (see exception in Note 2); and 2. Impacts in tidal waters that are: (a) ≤5000 SF; and (b) not located in SAS; and 3. Structures in navigable waters of the U.S. provided no impacts occur in tidal SAS and they are left in place ≤30 days.	1. Impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes (see exception in Note 2); or 2. Impacts in tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in SAS (see Note 3); or 3. Activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, or Merrimack River from the Essex Dam to the mouth, involving temporary impacts unless they are performed: (a) <5 feet waterward from OHW or HTL and in the dry; or (b) from Sep. 1 to Oct. 14. This is to protect endangered species; or 4. Activities not eligible for SV and do not require an IP.

Notes:
1. Turbidity or sediment resuspension is generally not considered to occur when properly using management techniques to work in dry conditions. PCNs must include plans to demonstrate this.
2. Temporary construction mats placed in an area of any size in non-tidal waters of the U.S. do not count towards the SV or PCN/GP area thresholds (see GCs 3(a), 13 and 14). This only applies to temporary construction mats, not other temporary fill.
3. Temporary construction mats in tidal SAS or >5000 SF in tidal waters require a PCN, but mats placed in an area of any size do not count towards the PCN/GP area thresholds (see GCs 3(a), 13 and 14). This only applies to temporary construction mats, not other temporary fill.

GP 15. Reshaping Existing Drainage Ditches, Construction of New Ditches, and Mosquito Management (Authorities: §§10 and 404)

Discharges to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. Also authorized are mosquito reduction activities.

Not authorized under GP 15 (IP required): Temporary impacts[1]; stream channelization, relocation, impoundments, or loss of streambed.

Self-Verification Eligible[1]	PCN Required[1]
≤500 linear feet of drainage ditch will be reshaped provided excavated material is deposited in an upland area.	1. >500 linear feet of drainage ditch will be reshaped, excavated material is deposited in a water of the U.S., or the reshaping of the ditch increases the drainage capacity beyond the original as-built capacity or expands the area drained by the ditch as originally constructed (i.e., the capacity of the ditch is not the same as originally constructed or drains additional wetlands or other waters of the U.S.); or 2. New ditches or relocation of drainage ditches constructed in waters of the U.S. (i.e., the location of the centerline of the reshaped drainage ditch is not approximately the same as the location of the centerline of the original drainage ditch); or 3. Mosquito reduction activities in tidal waters, or those in non-tidal waters that are not SV eligible; or 4. Activities that are not eligible for SV and do not require an IP.

Note: Some ditch activities are exempt under Section 404(f) of the CWA (see 33 CFR 323.4).

GP 16. Response Operations for Oil and Hazardous Substances (Authorities: §§10 and 404)

Eligible for authorization are the following activities in waters of the U.S.: (a) Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (i) The Spill Prevention, Control and Countermeasure Plan required by 40 CFR 112.3; (ii) The direction or oversight of the Federal on-scene coordinator designated by 40 CFR 300; or (iii) Any approved existing State, regional or local contingency plan provided that the Regional Response Team concurs with the proposed response efforts or does not object to the response effort; (b) Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl (PCB) spill response regulations at 40 CFR 761; (c) Booms placed in navigable waters of the U.S. for oil and hazardous substance containment, absorption and prevention; and (d) The use of structures and fills for spill response training exercises. SAS should be restored in place at the same elevation.

Self-Verification Eligible[1]	PCN Required[1]
1. Activities are conducted in accordance with (a) or (b) above that are not planned or scheduled, but an emergency response (see Note 1); and 2. Booms placed in navigable waters of the U.S. for oil and hazardous substance containment, absorption and prevention; and 3. Temporary impacts for spill response training exercises <5000 SF in non-tidal waters of the U.S. and <1000 SF in tidal waters with no impacts to SAS; and 4. Temporary structures in tidal waters with no impacts to SAS and in place ≤30 days.	1. Activities (a) or (b) above are planned or scheduled, not an emergency response; or 2. Activities that are not eligible for SV and do not require an IP.

Notes:

1. For activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, Merrimack River from the Essex Dam to the mouth, and remaining tidal waters that are not rivers, the permittee must contact the Corps at (978) 318-8338 before or as soon as possible after the work authorized under GP 16(a) - (c) commences for the Corps to address the effects under the Federal Endangered Species Act.
2. Permittees have until two weeks following commencement of the activities in GP 16 to submit the SVNF. However, an SVNF need not be submitted for booms used for spill prevention, or properly contained and cleaned de minimus oil or hazardous substance discharges into navigable waters of the U.S.

GP 17. Cleanup of Hazardous and Toxic Waste (Authorities: §§10 and 404)

Specific activities in waters of the U.S. to effect the containment, stabilization, or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements, which are performed, ordered or sponsored by a government agency with established legal or regulatory authority. The SAS should be restored in place at the same elevation to the maximum extent practicable.

Self-Verification Eligible[1]	PCN Required[1]
Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes.	1. Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes; or 2. The activity occurs in tidal or navigable waters of the U.S.; or 3. Stream channelization, relocation, impoundment, or loss of streambed occurs; or 4. The activity involves establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste in waters of the U.S.; or 5. Activities that are not eligible for SV and do not require an IP.

Notes:

1. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under §404 of the CWA or §10 of the Rivers and Harbors Act.
2. Permittees have until two weeks following commencement of the activities in GP 17 to submit the SVNF.

GP 18. Scientific Measurement Devices (Authorities: §§10 and 404) Scientific measurement devices in waters of the U.S. for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Also eligible are small weirs and flumes constructed primarily to record water elevation, flow and/or velocity. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to preconstruction elevations.

Not authorized under GP 18 (IP required): (a) Permanent impacts that are >5000 SF in tidal and non-tidal waters of the U.S.; >1000 SF in tidal saltmarsh, mud flats, riffle and pool complexes; or >100 SF in tidal vegetated shallows; or (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1].

Self-Verification Eligible[1]	PCN Required[1]
Temporary measuring devices and associated structures (e.g., anchors, buoys, etc.) in tidal and non-tidal waters of the U.S. provided: (a) in non-tidal waters of the U.S. permanent impacts are ≤1000 SF, temporary impacts are ≤5000 SF, and no impacts occur in riffle and pool complexes or vegetated shallows; and (b) no impacts in tidal waters.	1. In non-tidal waters of the U.S., permanent impacts are >1000 SF, temporary impacts are >5000 SF, or impacts occur in riffle and pool complexes or vegetated shallows; or 2. Impacts occur in tidal waters; or 3. Biological sampling devices, weirs or flumes, or the activity restricts or concentrates movement of aquatic organisms; or 4. Devices that are not eligible for SV and do not require an IP.

Note: An SVNF need not be submitted for temporary measuring devices with a footprint of <10 square feet, with a profile of <3 feet high measured from the substrate, and located in water deeper than -10 feet MLW.

GP 19. Survey Activities (Authorities: §§10 and 404)

Survey activities in waters of the U.S. such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys.

Not authorized under GP 19 (IP required): (a) Permanent impacts that are >1 acre in tidal and non-tidal waters of the U.S.; >1000 SF in tidal saltmarsh, mud flats, or riffle and pool complexes; or >100 SF in tidal vegetated shallows[1]; or (b) Temporary impacts in tidal waters that are >1 acre; >5000 SF in saltmarsh, mud flats, or riffle and pool complexes; or >1000 SF in vegetated shallows[1].

Self-Verification Eligible[1]	PCN Required[1]
1. Permanent impacts that are ≤1000 SF and temporary impacts that are ≤5000 SF[1] in non-tidal waters of the U.S. provided no impacts occur in riffle and pool complexes or vegetated shallows; and 2. Survey activities including temporary structures in tidal waters provided no impacts occur; and 3. Temporary structures in navigable waters of the U.S.	1. In non-tidal waters of the U.S., permanent impacts are >1000 SF, temporary impacts are >5000 SF, or impacts occur in riffle and pool complexes or vegetated shallows; or 2. Impacts occur in tidal waters; or 3. Exploratory trenching (see Note 2) occurs in waterways (e.g., streams, tidal waters); or 4. Activities associated with the recovery of historic resources, and the drilling and discharge of excavated material from test wells for oil and gas exploration; or 5. Seismic exploratory operations occur in tidal waters, the Connecticut River from the Turners Falls Dam to the MA/CT border, or the Merrimack River from the Essex Dam to the mouth. This is to protect endangered species; or 6. Activities that are not eligible for SV and do not require an IP.

Notes:
1. An SVNF need not be submitted for wetland delineations, and core sampling conducted for preliminary evaluation of dredge project analysis.
2. For the purposes of GP 19, the term "exploratory trenching" means mechanical land or underwater clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material.
3. The discharge of drilling mud and cuttings may require a permit under §402 of the CWA.

GP 20. Agricultural Activities (Authority: §404)

Discharges of dredged or fill material in non-tidal waters of the U.S. for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include: (a) installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches; and similar activities; (b) construction of farm ponds, excluding perennial streams, provided the farm pond is used solely for agricultural purposes; and (c) discharges of dredged or fill material to relocate existing serviceable drainage ditches constructed in non-tidal streams.

Not authorized under GP 20 (IP required)**:** (a) Permanent impacts that are >1 acre in non-tidal waters of the U.S.; or >1000 SF in riffle and pool complexes, or non-tidal vegetated shallows; (b) Work in tidal waters; or (c) Construction of farm ponds in perennial streams.

Self-Verification Eligible[1]	PCN Required[1]
Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) ≤5000 SF; and (b) not located in vegetated shallows or riffle and pool complexes.	1. Permanent and temporary impacts in non-tidal waters of the U.S. that are: (a) >5000 SF; or (b) located in vegetated shallows or riffle and pool complexes; or 2. Activities occur in non-tidal navigable waters of the U.S.; or 3. Stream channelization, relocation, impoundment, loss of streambed, or farm ponds in non-perennial streams occurs; or 4. Activities that are not eligible for SV and do not require an IP.

Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the CWA (see 33 CFR 323.4). This GP authorizes the construction of farm ponds that do not qualify for the CWA §404(f)(1)(C) exemption because of the recapture provision at §404(f)(2).

GP 21. Fish and Wildlife Harvesting and Attraction Devices and Activities (Authorities: §§10 and 404)

Fish and wildlife harvesting and attraction devices and activities in waters of the U.S. such as lobster pound nets, crab traps, shellfish dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open-water fish concentrators (sea kites, etc.).

Not authorized under GP 21 (IP required): Artificial reefs; or new, or expansions of, impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area >½ acre.

Self-Verification Eligible[1]	PCN Required[1]
Fish and wildlife harvesting and attraction devices and activities that do not require a PCN or IP.	1. Pound nets, impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area ≤½ acre, fish aggregating devices, or small fish attraction devices; or 2. Devices and activities that are located in tidal SAS; or 3. Devices and activities that do not require an IP. Activities that do not require a PCN or an IP may be SV eligible.

Note: An SVNF need not be submitted for work authorized under GP 21.

GP 22. Aquaculture (Authorities: §§10 and 404)

(a) The installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the U.S.; (b) Discharges of dredged or fill material into waters of the U.S. necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities; and (c) Shellfish seeding or brushing the flats projects. The area and any elevated structures within it must be marked in conformance with 33 CFR 64, and the permittee must contact the USCG, First District, Aids to Navigation Branch (617) 223-8347 to coordinate the proper buoy markings for the activity. Buoys shall be deployed and maintained as appropriate. Any fill material imported to the project from offsite (this is limited to mineral growth medium used in culture trays) shall be clean and of comparable grain size to the native substrate.

Not authorized under GP 22 (IP required): (a) New, or expansions of, impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area >½ acre; (b) Cultivation of a nonindigenous species (see Note 1) unless that species has been previously cultivated in the waterbody; (c) Cultivation of an aquatic nuisance species (see Note 1); (d) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the U.S. as waste; (e) Private sites >10 acres or municipal areas >25 acres; (f) Rafts and other floating equipment that cover >10% of the project area or 20,000 SF, whichever is greater. An area is considered covered with floating equipment if normal navigation through the area is precluded; or (g) Activities, including any vehicular access, that negatively impact coastal or freshwater wetlands, or with more than minimal negative impacts on: (1) Avian resources such as, but not limited to, shore birds, wading birds, or members of the waterfowl group. This is meant to include migratory bird nesting, feeding or resting activities (see 50 CFR 10.13); or (2) Existing or naturally occurring beds or population of shellfish, marine worms or other invertebrates that could be used by humans, other mammals, birds, reptiles, or predatory fish.

Self-Verification Eligible[1]: Devices and activities that do not require a PCN or an IP.

PCN Required[1]

1. Permanent & temporary impacts in tidal or non-tidal waters of the U.S. including cultch or spatted shell; or
2. Structures such as cages, trays, racks, bags, rafts or other floating equipment. However, structures are SV eligible provided a PCN is not required elsewhere in this document and they are: (a) located within the footprint of an existing authorized fixed or floating structure in which case in-water lines, ropes or chains may be used; (b) comprised of floating upweller docks totaling ≤640 SF in area; (c) structures (e.g., cages, racks) elevated ≥2 feet above the ocean floor with legs within a lease site with ≤4 buoys marking the corners an no other lines; or (d) floating cage strings with a single connecting line, ≤2 anchors and ≤2 end marker buoys per string within a lease site with ≤4 buoys marking the corners; and
3. Research, educational, commercial-viability or experimental aquaculture gear activities for indigenous species; or
4. Activities include a species not previously cultivated in the waterbody; or
5. Kelp or finfish aquaculture; or
6. Land-based hatchery intakes >3 inches in diameter; or
7. Activities in water depths >10 feet mean low lower water (MLLW); or
8. Activities with in-water lines, ropes or chains (see exceptions in 2(a), (c) and (d) above); or
9. Activities occur in SAS or involve mechanical or hydraulic dredging;
10. Activities occur in the Connecticut River from the Turners Falls Dam to the MA/CT border or the Merrimack River from the Essex Dam to the mouth. This is to protect endangered species; or
11. New, or expansions of, impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area ≤1/2 acre; or
12. Aquaculture facilities <25 acres applied for by municipalities; or
13. Activities that do not require an IP. Activities that do not require a PCN or an IP may be SV eligible.

Notes: (1) The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines: (a) nonindigenous species as "any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another"; and (b) aquatic nuisance species as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters." (2) Aquaculture applicants do not need to notify the SHPO since these projects are unlikely to affect historic or archaeological resources, but must notify the BUAR and applicable tribes per GC 7(c). (3) The MA Shellfish Planting Guidelines are located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

GP 23. Aquatic Habitat Restoration, Enhancement, and Establishment Activities (Authorities: §§10 and 404)

Activities in waters of the U.S. associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site; the restoration and enhancement of shellfish, finfish and wildlife habitat; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services. To be authorized by this GP, the activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region, or based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.

Activities authorized by this GP include, but are not limited to: the removal of accumulated sediments; the removal, installation, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to establish or re-establish wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species may be planted at the site.

Not authorized under GP 23 (IP required): Stream channelization activities or artificial reefs.

Self-Verification Eligible[1]	PCN Required[1]
1. Permanent or temporary impacts in non-tidal waters of the U.S. that are ≤5000 SF; and 2. Eelgrass or salt marsh planting and transplanting ≤100 SF in tidal waters; and 3. Shellfish seeding without cultch or spatted-shell. Activities 1 and 2 above must be authorized by a Final Order of Conditions, or 401 WQC if required, in order to be SV eligible.	1. Permanent or temporary impacts in non-tidal waters of the U.S. that are >5000 SF; or 2. Permanent or temporary impacts or structures are located in tidal waters of the U.S. including cultch or spatted-shell placement; or 3. Eelgrass or salt marsh planting and transplanting >100 SF in tidal waters; or 4. Permanent water impoundments, dam removal or fish ladders; or 5. Stream relocation, impoundment, or loss of streambed occurs; or 6. The conversion of: (a) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, (b) one wetland type to another (e.g., forested wetland to an emergent wetland). See Note 2; or 7. Activities in the Connecticut River from the Turners Falls Dam to the MA/CT border, or Merrimack River from the Essex Dam to the mouth, involving permanent or temporary impacts unless they are performed: (a) <5 feet waterward from OHW or HTL and in the dry; or (b) from Sep. 1 to Oct. 14. This is to protect endangered species; or 8. Activities that are not eligible for SV and do not require an IP.

Notes: 1. GC 10 states a PCN is required for any activity that may affect listed species or habitat. This includes beneficial effects. 2. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type.

IV. GENERAL CONDITIONS:

To qualify for GP authorization, the prospective permittee must comply with the following general conditions, as applicable.

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)
4. Single and Complete Projects
5. Activities Affecting Structures or Works Built by the United States
6. Navigation
7. Historic Properties
8. Wild and Scenic Rivers
9. Essential Fish Habitat and Fish and Wildlife Resources
10. Federal Threatened and Endangered Species
11. Pile Driving and Removal
12. Utility Line Installation and Removal
13. Heavy Equipment in Waters and Wetlands
14. Temporary Fill
15. Removal of Temporary Fills and Restoration
16. Soil Erosion and Sediment Controls
17. Aquatic Life Movements
18. Management of Water Flows
19. Stream Work and Crossings and Wetland Crossings
20. Floodplains and Floodways
21. Storage of Seasonal Structures
22. Spawning, Breeding, and Migratory Areas
23. Vernal Pools
24. Coral reefs
25. Invasive and Other Unacceptable Species
26. Blasting
27. Suitable Material
28. Stormwater Treatment or Detention Systems
29. Tide gates
30. Water Quality Certification
31. Coastal Zone Management
32. Permit On Site
33. Self-Verification Notification Form
34. Inspections
35. Maintenance
36. Property Rights
37. Transfer of GP Verifications
38. Modification, Suspension, and Revocation
39. Special Conditions
40. False or Incomplete Information
41. Abandonment
42. Enforcement Cases
43. Previously Authorized Activities
44. Duration of Authorization

1. Other Permits. The permittee must obtain the following State approvals, when applicable, prior to the commencement of work in Corps jurisdiction in order for authorizations under these GPs to be valid: WQC (see GC 30) and CZM Consistency Concurrence (see GC 31).

2. Federal Jurisdictional Boundaries

a. Applicability of these GPs shall be evaluated with reference to Federal jurisdictional boundaries. Activities shall be evaluated with reference to "waters of the U.S." under the CWA (33 CFR 328) and "navigable waters of the U.S." under §10 of the Rivers and Harbors Act of 1899 (33 CFR 329). Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at 33 CFR 328-329. These sections prescribe the policy, practice and procedures to be used in determining the extent of the Corps jurisdiction. Note: Waters of the U.S. includes all waters pursuant to 33 CFR 328.3(a), and adjacent wetlands as that term is defined in 33 CFR 328.3(c).

b. 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 has been obtained from the Corps that determines otherwise. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Vegetated shallow survey guidance is located at www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands and maps are located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

3. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)

a. Activities must be designed and constructed to avoid and minimize direct, indirect, secondary and cumulative adverse effects, both permanent and temporary, to waters of the U.S. to the maximum extent practicable at the project site (i.e., on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.

b. After avoidance and minimization, compensatory mitigation[4] will generally be required for permanent impacts that require PCNs, and may be required for temporary impacts that require PCNs. Proactive restoration projects, or temporary impact work with no secondary effects, may generally be excluded from this requirement.

c. Applicants shall consider riparian/forested buffer best management practices (BMPs) for stormwater management, and low impact development (LID) BMPs to reduce impervious cover and manage stormwater, to minimize impacts to the maximum extent practicable.[5]

4. Single and Complete Project

a. The term "single and complete project" is defined as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. The GPs shall not be used for piecemeal work and shall be applied to single and complete projects.

b. Proponents must quantify all permanent impacts associated with the single and complete project that have occurred since October 5, 1984 (the date of the original MA GP) and add that to any proposed permanent and temporary impacts to determine if the work is SV eligible or if a PCN is required. Provide that information in the PCN. For real estate subdivisions created or subdivided after October 5, 1984, a

[4] Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at www.nae.usace.army.mil/missions/regulatory >> Mitigation.

[5] See the three documents at www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit >> Mitigation. LID BMPs include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or adding a green roof or rain garden.

PCN is required for any discharge which would cause the aggregate total loss of waters of the U.S. for the entire subdivision to exceed 5,000 square feet.

c. 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.

d. Unless the Corps 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.

e. 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 separate 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. If any crossing requires a PCN review or an individual permit review, then the entire/total linear project shall be reviewed as one project under PCN or the IP procedures.

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

a. If a GP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project, the prospective permittee must submit a PCN. The Regulatory Division will assist the proponent with contacting the appropriate Corps district office for work in the vicinity of FNP, Corps properties and/or Corps-controlled easements, flood control projects, etc. An activity that requires §408 permission is not authorized by these GPs until the appropriate Corps district office issues the §408 permission to alter, occupy, or use the Corps project, and the Corps issues a written GP verification.

b. A PCN is required for GP activities within, or with any secondary or indirect adverse environmental effects on, any National Wildlife Refuge, National Forest, National Marine Sanctuary (e.g., Stellwagen Bank), National Park or any other area administered by the National Park Service (e.g., Cape Cod National Seashore), U.S. Fish and Wildlife Service (USFWS) or U.S. Forest Service (USFS).

6. Navigation

a. 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 of the U.S. at or adjacent to the activity authorized herein.

b. Any safety lights and signals prescribed by the USCG, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

c. 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 his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, 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.

d. A PCN and §408 permission (see GC 5) is required for all work in, over or under a Corps FNP or its buffer zone.

7. Historic Properties

a. In cases where the Corps determines that the activity may have the potential to cause effects to

properties listed, or eligible for listing, in the National Register of Historic Places (NRHP)[6], the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

b. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. If a PCN is required for the proposed activity, the Federal permittee must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements and the Corps will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective Federal agency is responsible for fulfilling its obligation to comply with Section 106.

c. Non-federal permittees must submit a PCN to the Corps if the activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the NRHP, including previously unidentified properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer (SHPO), Board of Underwater Archaeological Resources (BUAR), applicable Tribal Historic Preservation Officers (THPOs)[7], and the NRHP[6]. Use of the Historic Property Notification Form (Section IX) to notify the SHPO, BUAR and applicable THPOs[7] is recommended. The SHPO, BUAR and THPOs are expected to provide comments to the Corps within 30 days of receipt if there are historic properties that need to be addressed.

d. All PCNs shall:

i. Include a copy of the Historic Property Notification Form and the email or certified mail receipt that was used to send the form to the SHPO (does not accept email), BUAR and applicable THPOs[7] for their identification of historic properties in their area of concern;

ii. State which historic properties might have the potential to be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties; and

iii. Include any available documentation from the SHPO, BUAR and THPO(s) indicating that there are or are not historic properties affected. The SHPO, BUAR and THPO(s) will contact the Corps within 30 days of receiving the notification if they believe that the activity has the potential to cause effects on historic properties.

e. Based on the information submitted in the PCN and the Corps identification efforts, the Corps shall determine whether the proposed GP activity has the potential to cause effects on the historic properties. Section 106 consultation is required when the Corps determines that the activity has the potential to cause effects on historic properties. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the Corps either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

f. Federal and non-Federal applicants shall coordinate with the Corps before conducting any onsite archaeological work (reconnaissance, surveys, recovery, etc.) requested by the SHPO, BUAR and THPOs, as the Corps will determine the permit area for the consideration of historic properties based on 33 CFR 325 Appendix C. This is to ensure that work is done in accordance with Corps requirements.

g. If Federal or non-Federal applicants discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the Corps of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been

[6] See www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permits >> Historic Properties. The majority of historic properties are not listed on the NRHP and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO, BUAR and/or THPO(s).

[7] Section VIII provides contact information and each tribe's "area of concern."

completed. The Corps will initiate the Federal, State and tribal 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.

h. (c) - (e) above are not applicable when the Corps has approved alternate procedures or another Federal agency is the lead.

8. Wild and Scenic Rivers

a. The following activities in designated river or study river segments in the National Wild and Scenic River (WSR) System require a PCN unless the National Park Service has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

i. Activities that occur in WSR segments, in and 0.25 miles up or downstream of WSR segments, or in tributaries within 0.25 miles of WSR segments;

ii. Activities that occur in wetlands within 0.25 miles of WSR segments;

iii. Activities that have the potential to alter free-flowing characteristics in WSR segments.

b. As of April 16, 2018, the Taunton River, Sudbury/Assabet/Concord Rivers, and Westfield River are designated rivers; and the Nashua River is a study river. The most up to date list and descriptions of the WSR segments are provided at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit >> Wild and Scenic Rivers.

9. Essential Fish Habitat and Fish and Wildlife Resources. A PCN is required for GPs 1, 6-20 and 23 when an activity may cause greater than minimal sedimentation or turbidity in streams or tidal waters. The Corps may include specific time-of-year restrictions and/or specific construction techniques or activities. This is to protect Essential Fish Habitat and/or fish and wildlife resources.

10. Federal Threatened and Endangered Species

a. No activity is authorized under any GP which:

i. Is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species (i.e., listed species) or a species proposed for such designation, as identified under the Federal Endangered Species Act of 1973, as amended (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species; or

ii. "May affect" a listed species or critical habitat unless consultation under §7 of the ESA addressing the effects of the proposed activity, has been completed.

b. Non-Federal permittees must check http://ecos.fws.gov/ipac and submit a PCN if any listed species or designated critical habitat might be affected or if the activity is located in designated critical habitat. However, an activity is SV eligible (i.e., a PCN is only required if indicated elsewhere in this document) if the IPaC website indicates that only:

i. Northern long-eared bats (NLEB, *Myotis septentrionalis*) are present, but the activity:

1. Will not remove trees ≥3 inches dbh;

2. Is not within the "buffer" of a NLEB hibernacula or maternity roost tree shown on the map at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit/ >> NLEB Locations; and

3. Does not involve work on existing dam riprap or bridges.

ii. The roseate tern (*Sterna dougallii*), piping plover (*Charadrius melodus*) or red knot (*Calidris canutus*) are present, but the activity and all disturbance will occur: (1) >300 feet from the HTL; (2) entirely in a previously developed or urbanized area such as a paved parking lot or road, a harbor or marina with stabilized shoreline (docks, seawalls, etc.), a residential area (contains lawn, ornamental plants, etc.); or (3) between October 1 and April 15 and any alteration or disturbance to beaches, sand dunes, mud flats, sloughs, estuaries, or other tidally influenced areas is temporary and restored to its previous condition before April 15. Contact the Corps with any questions.

c. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Non-Federal representatives designated by the Corps to conduct informal consultation or prepare a biological assessment should follow the requirements in the designation document(s) and the ESA. Federal permittees and non-Federal representatives must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary. Unless it is required elsewhere in this document, a PCN is not required if: (i) another (lead) Federal agency has completed all required §7 consultation; or (ii) a non-Federal representative designated by the Corps in writing has completed all required §7 informal consultation.

d. Verification under these GPs 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 USFWS or the NMFS, the ESA prohibits any person 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.

11. Pile Driving and Removal

a. Derelict, degraded or abandoned piles and sheet piles in navigable waters of the U.S., except for those inside existing work footprints for piers, must be completely removed, cut and/or driven to 3 feet below the substrate to prevent interference with navigation, and existing creosote piles that are affected by project activities shall be completely removed if practicable. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method[8] to minimize sedimentation and turbidity impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate or mudflats. Pile removal work is SV eligible under GP 1. See GC 16(d) for sheet pile removal.

b. A PCN is required for the installation or removal of structures with jetting techniques.

c. A PCN is required for the removal of >100 piles from January 15 to November 15.

d. A PCN is required for the installation of >12 inch-diameter piles or any size steel piles in tidal waters, the Connecticut River from the Turners Falls Dam to the MA/CT border, or the Merrimack River from the Essex Dam to the mouth, unless they are installed in the dry. Installation of ≥12-inch-diameter piles or any size steel piles in tidal waters, or all piles in the aforementioned river segments, must use a soft start each day of pile driving, building up power slowly from a low energy start-up over a period of 20-40 minutes to provide adequate time for fish and marine mammals to leave the vicinity. The buildup of power should occur in uniform stages to provide a constant increase in output. Bubble curtains can be used to reduce sound pressure levels during vibratory or impact hammer pile driving. This is to protect endangered species.

12. Utility Line Installation and Removal

a. Subsurface utility lines shall remain subsurface.

b. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment. The bottom cover associated with the initial installation of utility lines under navigable waters of the U.S. and FNPs shall be a

[8] 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.

minimum of 48 inches in soil or a minimum of 24 inches in competent rock unless otherwise specified in a written determination. The maximum depth of dredging in waterways having existing FNPs is generally considered to be the authorized FNP depth plus any allowance for advanced maintenance and the allowable overdepth for dredging tolerances. In waterways that do not have existing FNPs, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

c. The permittee and their contractor shall have onsite and implement the procedures detailed in a frac-out contingency plan for monitoring drilling operations and for the immediate containment, control and recovery/removal of drilling fluids released into the environment should a discharge of material occur during drilling operations.

d. Abandoned or inactive utility lines must be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) must be removed or repaired. A written verification from the Corps is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.

e. Utility lines shall not adversely alter existing hydrology, and trenches cannot be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). In wetland areas, structures such as ditch plugs, cut-off walls, clay blocks, bentonite, or other suitable material shall be used within utility trenches to ensure that the trench through which the utility line is installed does not drain waters of the U.S. including wetlands.

13. Heavy Equipment in Waters and Wetlands

a. To the maximum extent practicable, operating heavy equipment within wetlands or mudflats shall be avoided or minimized, measures must be taken to minimize soil or substrate disturbance, and equipment other than fixed equipment (drill rigs, fixed cranes, etc.) shall not be stored, maintained or repaired in wetlands. Where construction requires heavy equipment operation, the equipment shall: (i) Have low ground pressure (typically <3 psi); (ii) Be placed on swamp/construction/timber mats (herein referred to as "construction mats") that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or (iii) 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. Construction mats are to 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. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the Construction Mat BMPs at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

b. Construction equipment such as barges in tidal waters shall provide clearance above the substrate to avoid impacts to SAS.

14. Temporary Fill

a. Temporary fill, which includes construction mats and corduroy roads, shall be entirely removed as soon as it is 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. A PCN is required for: (i) all temporary fill that is in place for >2 years; or (ii) construction mats and corduroy roads filling >5000 SF that are in place for: (1) >1 year when installed during the growing period; or (2) 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 these GPs.

b. A PCN is required for construction mats and corduroy roads that involve underlying fill.

c. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable. Materials must be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of wetlands. Temporary fill shall be placed on geotextile fabric or other appropriate material laid on the preconstruction wetland grade where

practicable to minimize impacts and to facilitate restoration to the original grade (construction mats are excluded from this requirement).

15. Removal of Temporary Fills and Restoration

a. Temporary fills/excess materials must be removed in their entirety as soon as they are no longer needed to construct the authorized work. The affected areas must be restored to their preconstruction conditions, functions and elevations, and revegetated as appropriate. Restoration shall typically commence no later than the completion of construction.

b. For excavated areas, "restored to preconstruction conditions, functions and elevations" means careful removal of existing soil and vegetation, separate topsoil and subsoil stockpiling, soil protection, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Plan for natural settling that will occur and ensure that topsoil is void of gravel and subsoil. A minimum of 4 inches of topsoil should be at the surface after the soil has settled. Wetland areas temporarily disturbed shall be stabilized (e.g., seeded or planted). See GC 25 for seed mix and vegetation requirements.

c. Limit compaction to the minimum needed to promote a successful seedbed. Test soils for compaction. Equipment refusal shall be considered a failure of restoration, in which case the soil should be restored and wetland hydrology must be maintained.

d. For (a) - (c) above, see the BMPs at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit >> Restoration of Special Aquatic Sites.

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

f. Trenches shall be constructed or backfilled so that the trench does not drain waters of the U.S. (e.g., materials or methods that create a French drain effect).

16. Soil Erosion and Sediment Controls

a. Appropriate soil erosion, sediment and turbidity controls[9] (hereinafter referred to as "controls") must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work waterward of OHW or HTL, must be permanently stabilized at the earliest practicable date. Controls shall be capable of preventing erosion; collecting sediment, suspended and floating materials; and filtering fine sediment. Permittees are encouraged to perform work during periods of low-flow or no-flow, or when the stream or tide is waterward of the work, and must plan for unexpected high flows.

b. A PCN is required for GPs 1, 6-20 and 23 when an activity causes greater than minimal sedimentation or turbidity in streams (rivers, streams, brooks, etc.) or tidal waters, which may be avoided with the appropriate measures specified in (a) above. For activities that require controls, e.g., cofferdams, in non-tidal streams and tidal waters:

i. In non-tidal streams, it is recommended that controls be installed and removed between July 1 and Feb. 28, and not be in place between March 1 and June 30. A PCN is required when controls encroach >25% of the stream width measured from OHW from March 1 to June 30. This is to protect upstream fish passage. Proponents must also maintain safe, timely and effective downstream fish passage throughout the project.

[9] Appropriate 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 (e.g., vegetated filter strips, geotextile silt fences and turbidity curtains, 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.

ii. In tidal waters, controls placed waterward of MHW shall be installed and removed between July 1 and Jan. 14, shall not be in place between Jan. 15 and June 30, and shall not encroach >50% of a tidal stream's width measured from MHW. Otherwise a PCN is required. This is to protect upstream fish passage and winter flounder spawning and rearing habitat.

c. 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.

d. 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.

e. 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.

17. Aquatic Life Movements. 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, beyond the actual duration of construction unless the activity's primary purpose is to impound water. Permanent water impoundments require a PCN. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be suitably culverted, spanned[10], or otherwise designed and constructed to: (a) maintain low flows to sustain the movement of those aquatic species, which includes maintaining a continuous low flow channel/thalweg through non-tidal structures; (b) preserve hydraulic and ecological connectivity; and (c) prevent bank erosion or streambed scour, both adjacent to and inside, the culvert or span by proper alignment and construction.

18. Management of Water Flows

a. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. 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, in which case a PCN is required. 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).

b. Activities that temporarily or permanently impact upstream or downstream flood conditions, or permanently impact wetlands in excess of SV eligible thresholds, require a PCN. See the "Dam Removal and the Wetland Regulations" document at www.nae.usace.army.mil/missions/regulatory/stream-and-river-continuity for guidance to evaluate the impacts of culvert replacement, including the loss of upstream wetlands, which may be offset by the overall benefits of the river restoration.

19. Stream and Wetland Crossings

The following conditions apply to temporary and permanent stream and wetland crossings, including new crossings, and replacement, modifications and expansions/extensions of existing crossings, which are only authorized under GPs 8 - 10. Minor repairs may be SV eligible under GP 1.

[10] For the purposes of this GP, spans are bridges, three-sided box culverts, open-bottom culverts or arches that span the stream with footings landward of bankfull width. The use of bridge piers or similar supports does not prevent a structure from being considered as a span.

a. Stream crossings in tidal streams. A PCN is required for temporary or permanent crossings in tidal streams that are not SV eligible under GP 1 or do not involve construction mat stream crossings built in accordance with the Construction Mat BMPs[11], particularly the Wetland/Stream Channel Crossing section. The Corps may use the following criteria to evaluate permanent crossings:

i. Match the velocity, depth, cross-sectional area, and substrate of the existing stream outside the crossing, if it exists, and size crossings such that they do not restrict tidal flow over the full natural tide range seaward of the crossing. The Corps will typically require an engineering study to ensure flooding is not a concern.

ii. Construct crossings in dry conditions.

b. Modifications to existing, authorized permanent stream crossings in non-tidal streams. A PCN is not required for modifications to these crossings for the purpose of improving passage and flow if they are authorized in writing by a Final Order of Conditions, or 401 WQC if required, or they comply with 19(c) below. However, a PCN is required if stated elsewhere in this document or any activity:

i. Involves sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining;

ii. Decreases the diameter of the crossing;

iii Decreases the friction coefficient; or

iv. Increases velocity.

c. New, replacement, modifications and expansions/extensions of existing, permanent stream crossings in non-tidal streams. A PCN is not required for these crossings provided the following conditions are met and a PCN is not required elsewhere in this document:

i. Design and construct the crossing in accordance with the USFS stream simulation manual[12].

ii. Span[10] streams or size culverts or pipe arches such that they are at least 1.2 times bankfull width of the reference reach[13]. Spans are strongly preferred as they avoid or minimize disruption to the streambed, and avoid entire streambed reconstruction and maintenance inside culverts or pipe arches (see v, vi & viii below), which may be difficult in smaller structures. In many cases bankfull width is not necessarily interchangeable with the elevation of OHW.

iii. Embed culverts or pipe arches below the grade of the streambed. This is not required when ledge/bedrock prevents embedment, in which case spans[10] are required. The following depths are required to prevent streambed washout, and ensure compliance and long-term success:

1. ≥ 2 feet for box culverts and pipe arches[14], or
2. ≥ 2 feet and at least 25% for round pipe culverts[14].

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[11] See www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

[12] See www.nae.usace.army.mil/missions/regulatory/stream-and-river-continuity for the USFS stream simulation manual titled "Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings. Section 5.3.3 Headcutting Potential and 6.2 Design of the Stream-Simulation Channel Bed are particularly relevant. Chapter 6.1 is relevant for proper alignment and construction to prevent bank erosion or streambed scour. Sections 7.5.2.3 Construction Methods and 8.2.11 Stream-Simulation Bed Material Placement both show important construction steps.

[13] The following guides located at www.nae.usace.army.mil/missions/regulatory/stream-and-river-continuity may assist in identifying bankfull width and the reference reach: (a) the USFS stream simulation manual (pages 5-20 and 5-76 are particularly relevant); (b) "Stream Channel Reference Sites: An Illustrated Guide to Field Technique" (Harrelson, et al. 1994); (c) "A Guide to Identification of Bankfull Stage in the Northeastern United States"; and (d) General Standard 3, page 10, of the Massachusetts River and Stream Crossing Standards, revised March 1, 2011.

[14] These minimum embedment depths should be sufficient for many culverts. However, circumstances may dictate a need for deeper substrates that are based on site specific analysis. These include high gradient streams and streams experiencing instability or with potential instability that could result in future adjustments to channel elevation. In these cases long profiles and calculations of potential channel adjustments should be used to determine embedment depth. Deeper embedment depths may be also needed if there are elements of the constructed stream bed that are >15 inches in diameter.

iv. Match the culvert gradient (slope) with the anticipated stream channel profile that will form after the channel readjusts to post-crossing-replacement conditions.

v. Construct crossings with a natural bottom substrate within the structure matching the characteristics of the substrate in the natural stream channel and the banks (mobility, slope, stability, confinement, grain and rock size) at the time of construction and over time as the structure has had the opportunity to pass substantial high flow events.

vi. Construct crossings with appropriate bed forms and streambed characteristics so that water depths and velocities are comparable to those found in the natural channel at a variety of flows at the time of construction and over time. In order to provide appropriate water depths and velocities at a variety of flows and especially low flows, it is usually necessary to reconstruct the streambed (sometimes including a low flow channel), or replicate or preserve the natural channel within the structure. Otherwise, the width of the structure needed to accommodate higher flows will create conditions that are too shallow at low flows. The grain and rock size, and arrangement of streambed materials within the structure should be in accordance with (v) above. Flows could go subsurface within the structure if only large material is used without smaller material filling the voids.

vii. Openness >0.82 feet (0.25 meters). Openness is the cross-sectional area of a structure opening divided by its crossing length when measured in consistent units (e.g. feet). For a box culvert, openness = (height x width)/length. For crossing structures with multiple cells or barrels, openness is calculated separately for each cell or barrel. At least one cell or barrel must meet the appropriate openness standard. The embedded portion of a culvert is not included in the calculation of cross-sectional area for determining openness.[15] Openness >0.82 feet is recommended to make the structure more likely to pass small, riverine wildlife such as turtles, mink, muskrat and otter that may tend to avoid structures that appear too constricted. This openness standard is too small to accommodate large wildlife such as deer, bear, and moose. Structures that meet this openness standard are much more likely than traditional culverts to pass flood flows and woody debris that would otherwise obstruct water passage. It is likely that most structures that meet all the other general standards will also meet this openness standard. However, for some very long structures it may be impractical or impossible to meet this standard.

viii. Construct banks on each side of the stream inside the crossing that match the horizontal profile of the existing stream and banks outside the crossing. To prevent failure, all constructed banks should have a height to width ratio of no greater than 1:1.5 (vertical:horizontal) unless the stream is naturally incised. Tie the banks into the up and downstream banks and configure them to be stable during expected high flows. Use materials that match the up and downstream banks (avoid the use of angular riprap and armored slopes).

d. Temporary crossings in non-tidal streams. The following conditions must be met for temporary crossings (e.g., spans, culverts, construction mats or fords) in non-tidal streams to be SV eligible:

i. All temporary crossings:

1. Avoid excavating the stream or embedding crossings.

2. Impacts to the streambed or banks require restoration to their original condition. See the USFS stream simulation manual for restoration methods[12]. Use geotextile fabric and bedding as appropriate to ensure restoration to the original grade.

ii. Culverts:

1. The water height should be no higher than the top of the culvert's inlet and the culvert shall be large enough to pass debris.

2. Install energy dissipating devices downstream if necessary to prevent scour.

iii. Stream fords: Equipment may ford streams when it is not feasible to construct a span or culvert (e.g., streams having no or low banks, emergency situations); the natural stream bed and banks consist of ledge, rock or sand that prevents disturbance and turbidity; and there is a stable, gradual approach.

[15] The Openness Ratio Spreadsheet shows how to calculate the open area for embedded pipe culverts to meet the 0.82 standard for openness. See www.nae.usace.army.mil/missions/regulatory/stream-and-river-continuity.

iv. Spans: Anchor spans where practicable so they do not wash out during high water. A typical span method is provided at www.nae.usace.army.mil/missions/regulatory/stream-and-river-continuity >> Skidder Bridge Fact Sheet.

v. Construction mats: Build construction mat stream crossings in accordance with the Construction Mat BMPs, particularly the Wetland/Stream Channel Crossing section.

e. Wetland Crossings. To assist in meeting the requirements in GCs 17 and 18, culverts or spans[10] shall be placed at least every 50 feet with an opening at least 2-feet high and 3-feet wide at ground level where practicable. Closed bottom culverts shall be embedded at least 6 inches with a natural bottom. In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity.

20. Floodplains and Floodways

a. Appropriate measures must be taken to minimize flooding to the maximum extent practicable.

b. Activities within 100-Year Floodplains must comply with applicable Federal Emergency Management Agency (FEMA)-approved State and/or local floodplain management permitting requirements.

21. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands or mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is waterward of MHW or OHW.

22. Spawning, Breeding, and Migratory Areas

a. Direct, indirect and secondary adverse effects in spawning areas shall be avoided and minimized to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

b. Activities in waters of the U.S. that serve 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's 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.

23. Vernal Pools

a. For projects requiring a PCN, vernal pools must be identified on the plan showing aquatic resource delineations.

b. A PCN is required if a discharge of dredged or fill material is proposed in a vernal pool located within Federal jurisdictional boundaries.

c. Adverse impacts to vernal pools should be avoided and minimized to the maximum extent practicable.

24. Coral Reefs. Impacts to coral reefs are not authorized under these GPs. Coral reefs consist of the skeletal deposit, usually of calcareous or silicaceous materials, produced by the vital activities of anthozoan polyps or other invertebrate organisms present in growing portions of the reef.

25. Invasive and Other Unacceptable Species[16]

a. The introduction or spread of invasive or other unacceptable plant or animal species on the project

[16] See www.nae.usace.army.mil/missions/regulatory/mitigation. The June 2009 "Corps of Engineers Invasive Species Policy" provides policy, goals and objectives and is located at www.nae.usace.army.mil/missions/regulatory/invasive-species. Additional information can be found at: www.eddmaps.org/ipane.

site or areas adjacent to the project site caused by the site work shall be avoided to the maximum extent practicable. For example, construction mats and equipment shall be thoroughly cleaned and free of vegetation and soil before and after use. The introduction or spread of invasive plant or animal species on the project site caused by the site work shall be controlled.

b. No cultivars, invasive species or other unacceptable plant species may be used for any mitigation, bioengineering, vegetative bank stabilization or any other work authorized by these GPs. Seed mixes and vegetation shall include only plant species native to New England and shall not include any species listed in Appendix D, "Invasive and Other Unacceptable Plant Species," of the "New England District Compensatory Mitigation Guidance"[16]. This list may be updated periodically.

26. Blasting. Blasting in waters of the U.S. associated with work such as dredging, trenching, pile installation, etc. is not authorized under these GPs.

27. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see §307 of the CWA).

28. Stormwater Treatment or Detention Systems. Stormwater treatment or detention systems in waters of the U.S are not authorized under these GPs and require an IP. Stormwater conveyance components and non-porous, septic effluent pipes that transmit effluent to or between components may be SV eligible under GP 9.

29. Tide Gates. New tide gates conveying water between waters of the U.S. are not authorized under these GPs and require an IP. Tide gates on discharge pipes conveying stormwater and/or industrial NPDES -permitted discharges from waters that are not waters of the U.S. may be authorized under GPs 1 and 9.

30. Water Quality Certification

a. Any activity under these GPs that requires authorization under §404 of the CWA for the discharge of dredged or fill material into waters of the U.S. also requires applicants to obtain a §401 water quality certification (WQC) from the State (hereinafter referred to as "§401 WQC") or a Final Order of Conditions from the town or city which serves as the WQC. In Massachusetts, the MassDEP has authority to issue or deny §401 WQC. Activities authorized under these GPs must comply with all conditions set forth in the April 5, 2018 conditional WQC for these GPs (located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit/) or in an Individual §401 WQC. Authorization under the GPs is not valid and no work may commence in Corps jurisdiction until the MassDEP has issued or waived §401 WQC.

b. If a §401WQC is issued for work that is different from that in the Corps authorization, the Corps authorization is not valid and the permittee must contact the Corps to allow the Corps to resolve the discrepancy.

31. Coastal Zone Management

a. Each activity under these GPs within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. The Massachusetts Office of Coastal Zone Management (MA CZM) administers the Massachusetts CZM program.

b. For SV eligible activities, MA CZM has agreed with the Corps consistency determination and therefore these activities do not require any additional MA CZM Federal consistency review.

c. For PCN activities in the coastal zone, authorization under these GPs becomes valid only after MA CZM determines that the activity is consistent with the MA CZM program. The Corps will typically coordinate review with MA CZM and then notify applicants if MA CZM determines that the activity is

consistent with the MA CZM program or if an individual consistency concurrence is required. If the MA CZM consistency concurrence is for work different from that in the Corps authorization, the Corps authorization is not valid and the permittee must contact the Corps to allow the Corps to resolve the discrepancy.

32. Permit On Site. The permittee shall ensure that any contractor(s) and or workers executing the activities authorized by this GP(s) have knowledge of the terms and conditions of this authorization and any modification(s), and that a copy of this GP document and any accompanying verification letter and attached plans are at the site of the authorized work throughout the period(s) of time the work is underway.

33. Self-Verification Notification Form. For those activities that do not require PCNs and are eligible for self-verification, permittees must complete and submit the SVNF to the Corps for work authorized by these GPs unless otherwise stated. See the SVNF for submittal requirements and timing.

34. Inspections. The permittee shall allow the Corps to inspect the authorized activities and mitigation parcels at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the applicable GP(s) and any written verification from the Corps. To facilitate these inspections, the permittee shall complete and return to the Corps the following forms:

- For Self-Verification: The SVNF. See GC 33.
- For PCN: The Work-Start Notification Form, Compliance Certification Form, and/or Mitigation Work-Start Notification Form whenever these forms are provided with a verification letter.

35. Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions and activity-specific special conditions provided in a written verification from the Corps. This does not include maintenance of dredging, related disposal, or beach nourishment projects unless specified in a written authorization from the Corps.

36. Property Rights. These GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor do they authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

37. Transfer of GP Verifications. If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the GP verification must be attached to the letter, the letter must contain the name, address and phone number of the transferee (new owner), include the following statement and signature, and be mailed to: Regulatory Division, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751:

"When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property.

_____

Transferee Printed Name

_____

Transferee Signature Date

38. Modification, Suspension, and Revocation. These GPs or any work authorized under these GPs may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the U.S.

39. Special Conditions. The permittee must comply with any special conditions added by the Corps to this GP. Failure to comply with all applicable terms and conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or an ordered restoration, and/or the permit may be modified, suspended or revoked by the Corps.

40. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under these GPs and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the Corps may determine that the GP authorization is not valid and modify, suspend or revoke the authorization. In such cases, the U.S. Government may institute legal proceedings.

41. Abandonment. If the permittee abandons or decides to abandon the activity authorized under these GPs, the work must be removed and the area restored to the maximum extent practicable unless a GP or IP specifically authorizes the abandonment.

42. Enforcement cases. These GPs do not apply to any existing or proposed activity in Corps jurisdiction associated with an ongoing Corps or EPA enforcement action, until such time as the enforcement action is resolved or the Corps or EPA, as appropriate, determines that the activity may proceed independently without compromising the enforcement action.

43. Previously Authorized Activities

a. Activities that were authorized and completed in accordance with previous GPs or nationwide permits are not affected by these GPs and continue to be authorized in accordance with the original terms and conditions of those authorizations, including their terms, general conditions, expiration date, and any special conditions provided in a written verification.

b. Activities authorized pursuant to 33 CFR 330.3 ("Activities occurring before certain dates") are not affected by this GP.

44. Duration of Authorization

a. These GPs expire on April 5, 2023. Activities authorized under GPs 1 - 23 that have either commenced (i.e., are under construction) or are under contract to commence before these GPs expire will have until April 5, 2024 to complete the activity under the terms and conditions of the current GPs. The permittee must be able to document to the Corps' satisfaction that the project was under construction or under contract by the appropriate date. If work is not completed within the one year extended timeframe nor SV eligible under any subsequently issued GPs, the permittee must contact the Corps to discuss obtaining a separate Corps authorization to complete the work.

b. Activities completed under these GPs will continue to be authorized unless special conditions require removal of the authorized work and restoration of the affected area after a specified time period.

4/10/18

DISTRICT ENGINEER **DATE**

US Army Corps of Engineers®
New England District

V: Self-Verification Notification Form

(for all tidal and non-tidal projects subject to Corps jurisdiction)

Complete **all** fields (write "none" if applicable) below or use the fillable form at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit. Before work within Corps jurisdiction commences, and unless otherwise specified, email this form, a location map, and project plans drawn to scale and not larger than 11" x 17", to cenae-r@usace.army.mil, (978) 318-8303 (fax), or "Regulatory Division, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751". The Corps will acknowledge receipt of this form in writing. Please call (978) 318-8338 with questions.

Permittee: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Contractor (write none if same as permittee): _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Prior Corps File or Permit Numbers(s): _____
Project Location (provide detailed description if necessary): _____
_____
Address, City, State & Zip: _____
Latitude/Longitude Coordinates (if address doesn't exist): _____
Waterway Name: _____

Work will be done under the following activity(s) in Section III, Eligible Activities (check all that apply):

1____	5____	9____	13____	17____	21____
2____	6____	10____	14____	18____	22____
3____	7____	11____	15____	19____	23____
4____	8____	12____	16____	20____	

Project Purpose: _____
_____
_____

Work Description: _____
_____
_____
_____
_____

(continued on next page)

Aggregate total wetland impact area: temporary_____SF permanent_____SF
Aggregate total waterway impact area: temporary_____SF permanent_____SF
Aggregate total area of structures temporary_____SF permanent_____SF
(e.g., floats, pile-supported structures)

Does your project include any indirect or secondary impacts? (See General Condition 3.)
Yes_____ No_____
If yes, describe here: _____

Proposed Work Dates: Start: _____ Finish: _____

Your name/signature below, as permittee, confirms that: a) your project meets the self-verification criteria; and b) you accept and agree to comply with the applicable terms and conditions in the General Permits for Massachusetts.

Permittee Printed Name: _____

Permittee Signature: _____ Date: _____

VI: Content of Preconstruction Notification

Applications should be emailed to cenae-r@usace.army.mil or to the Corps project manager if one has been assigned. In addition to the following required information, the applicant must provide additional information as the Corps deems essential to make a public interest determination including, where applicable, a determination of compliance with the §404(b)(1) guidelines or ocean dumping criteria.

1. Written information required for all projects:

- □ Corps application form (ENG Form 4345). The MassDEP WQC, Chapter 91 application form and Notice of Intent cannot be substituted for the form, but can be used supplementally.
- □ All anticipated direct, indirect and secondary impacts, both permanent and temporary, to waters of the U.S. (in wetlands, and waterward of OHW in inland waters and the HTL 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 New England District Compensatory Mitigation Guidance is a resource for assessing secondary impacts (see www.nae.usace.army.mil/missions/regulatory/mitigation.aspx).
- □ For the discharge of dredged or fill material into waters of the U.S., include 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 impacts to waters of the U.S. are to be compensated for or explain why compensatory mitigation should not be required for the proposed impacts.
- □ For any activity that will alter or temporarily or permanently occupy or use a Corps Federally authorized civil works project, the PCN must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps. See GC 5(a).
- □ Information on historic properties (see GC 7), including a copy of the Historic Property Notification Form (Section IX) and the email or certified mail receipt that was used to send the form to the SHPO, BUAR and applicable THPOs.
- □ Information on Federal threatened or endangered species (see GC 10).
- □ A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 15).
- □ Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
- □ Invasive Species Control Plan (see GC 25). For sample control plans, see www.nae.usace.army.mil/missions/regulatory/invasive-species.
- □ Provide discussion of habitat, including type of sediment/soil effected (sand, mudflat, etc), along with presence or absence of wildlife, plants, fisheries, and shellfish. Explain how the applicant has determined the presence or absence of the required wildlife, fisheries, shellfish, information, e.g., divers, surveys, personal observation, online maps, etc.
- □ Provide a description of the federal wetlands and provide a map of their locations within the project area. Provide an assessment of the impacts expected from the project on the wetlands and wildlife functions.
- □ Provide historic information of project area, e.g., existing Corps permit numbers, the names under which the permits were obtained if the permit numbers are unknown, construction dates and proof of prior existence (aerials, photos, town hall records, affidavits, state or local permits, etc.) to verify "grandfathering."
- □ If the project is located in the floodway, state whether the project will increase the 100-year frequency flood level? How much floodplain storage will be removed from the 100-year floodplain by fill.

For dredging projects, include:

□ Date the area was last dredged.
□ Whether it is new, improvement or maintenance dredging and the method of handling/transporting.
□ Type of dredging equipment to be used and dredging method (e.g. mechanical or hydraulic).
□ 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 or nearby projects.
□ Information on any recent spills of oil and/or other hazardous materials and on nearby outfalls. Document the information source, e.g., the harbormaster or fire chief.
□ Total footprint of the dredged area when characterizing impact to resources.
□ Discuss alternatives to open-water disposal.

2. <u>Plans for all projects shall include</u>:

□ Drawings, sketches, or plans that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), drawn to scale, and no larger than 11"x17". 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 color 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 Massachusetts State Plane Coordinate System (zone is either Mass Mainland or Mass Island) 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.
□ Existing and proposed conditions, and plan views and cross sections for all work.
□ Limits and area (SF) of temporary and permanent fill to be placed in any wetlands or waterway, including construction access and work areas, cofferdams, bedding, and backfill. 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 Corps wetland delineation data sheets (see GC 2) for all wetlands. Vegetated shallow survey guidance is located at www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands. Maps of vegetated shallows in Massachusetts are located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.
□ Copies of sections of National Wetland Inventory Maps, marked to show locations and site boundaries. Identify the quad name and year.
□ Ebb and flood in tidal waters and direction of flow in non-tidal waters.
□ Indicate the relationship of the proposed work site to waters of the U.S., i.e. adjacent wetlands, tidal influence through culverts, etc.
□ Total plan of development, including the proposed use of upland and wetland areas.
□ Names or numbers of all roads in the site's vicinity.
□ Names of adjoining property owners in plan view.
□ For typical pipeline cross-sections, the details of the bedding and backfill to be used in wetlands and waterways. Show proposed trench dams and detail for inland projects.
□ Adjacent Federal navigation project (FNP) (anchorage or channel) and/or state/local navigation projects, distance to them, the authorized depths of the FNP, and state plane coordinates of seaward end(s) of structures near an FNP.
□ The 100, 500-year and regulatory floodway boundaries as shown on the community's current National Flood Insurance Program maps, if applicable.
□ A statement regarding how the project proponent has determined the absence or presence of vegetated

shallows, mudflats, or riffles and pools, e.g., personal visual observation, divers, online maps, conversations with local officials, etc.

□ Shellfish information. A survey may be required.

2a. <u>Plans for structures shall also include</u>:

□ 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 structure above the marsh.

□ For floats, the methods of securing (piles, bottom anchors) and keeping off substrate (skids, stops).

□ 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 Massachusetts 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.

□ 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.

2b. <u>Plans for projects involving fill shall also include</u>:

□ All locations of discharges of dredged or fill material waterward of the HTL or OHW.

□ Any historic permanent fill previously authorized by the Corps and the date of authorization.

□ The MLLW, MHW and HTL elevations in tidal waters, and OHW elevation in lakes and non-tidal streams.

□ 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 wetlands or waterway, including construction access and work areas, cofferdams, bedding, and backfill.

□ Area (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.

□ Existing and proposed ground or waterway contours or spot elevations on all views.

□ Mitigation areas clearly identifying each area and showing the boundaries and SF of each area.

□ Total plan of development, including the proposed use of upland and wetland areas.

2c. <u>Plans for projects involving dredging shall also include</u>:

- □ The area (SF) and volume (CY) of material to be dredged waterward of MHW for each dredge location.
- □ Dredge boundaries.
- □ Bathymetry: existing, proposed and historical (include dates and Corps permits) dredge depths
- □ The likely final angle of repose of the side cuts based on the physical characterization of the material to be dredged and based upon the high/ medium/low, wave or current energy of the location.
- □ 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 locus sheet).
- □ The methods and areas used to retain or prevent dredged material from running back into the wetland or waterway. Provide the capacity and points of runback, including the overflow route, into the aquatic system.
- □ For beach nourishment, the disposal footprint, existing and proposed nourishment profiles (multiple profiles are appropriate if the site is more than 150 feet long or non-contiguous), total fill area (SF) and volume (CY), fill area and volume waterward of the HTL, and delineation of dunes, banks, existing beach vegetation, and contours.
- □ Show the finished top elevation of the disposal site.
- □ For open-water disposal, explain why inland or beneficial reuse sites are not practicable.
- □ Identification and description of any potential impacts to Essential Fish Habitat and threatened or endangered species.
- □ Note: For projects proposing open water, nearshore disposal, or beach nourishment, contact the Corps as early as possible regarding 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, would be at the applicant's risk.

VII. Definitions and Acronyms

Definitions

Artificial or Living Reef: A structure which is constructed or placed in waters for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.
Attendant Features: Occurring with or as a result of; accompanying.
Biodegradable: A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable under this GP.
Boating facilities: These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, municipal facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or municipal mooring fields that charge an equitable user fee based on the actual costs incurred.
Brushing the Flats: The placement of tree boughs, wooden lath structure, or small-mesh fencing on mud-flats, or any bottom disturbance (e.g., discing, plowing, raking, etc.), to enhance recruitment of shellfish.
Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain 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: Constructions, swamp and timber mats (herein referred to as "construction 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. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they are installed temporarily or permanently.
Cumulative Effects: The changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual 1) discharges of dredged or fill material, or 2) structures. 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. See 40 CFR 230.11(g).
Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
Direct Effects: The loss of aquatic ecosystem within the footprint of the discharge of dredged or fill material. Direct effects are caused by the action and occur at the same time and place.
Dredging:
Improvement Dredging: For the purposes of these GPs, this is dredging deeper than previously authorized by the Corps and dredged.
Maintenance Dredging: For the purposes of these GPs, this is dredging from an area previously authorized by the Corps and dredged. The Corps may require proof of authorization and dredging. Maintenance dredging typically refers to the routine removal of accumulated sediment to maintain the design depths of serviceable navigation channels, harbors, marinas, boat launches and port facilities. Maintenance dredging is conducted for navigational purposes and does not include any expansion of the

previously dredged area. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc.
New Dredging: For the purposes of these GPs, this is dredging of an area that has never been authorized by the Corps and dredged.
Dredged material & discharge of dredged material: These are defined at 33 CFR 323.2(c) and (d). The term dredged material means material that is excavated or dredged from waters of the U.S.
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.
Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present 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, structures or floats, or slip capacity.
Essential Fish Habitat (EFH): The Federal Magnuson-Stevens Fishery Management and Conservation Act broadly defines EFH to include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. See www.greateratlantic.fisheries.noaa.gov/habitat for more information.
Fill material & discharge of fill material: These are defined at 33 CFR 323.2(e) and (f). The term fill material is defined as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water of the U.S.
Federal anchorages: See the definition of "Federal navigation projects."
Federal channels: See the definition of "Federal navigation projects."
Federal navigation projects (FNPs): These areas are maintained by the Corps; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and comprised of Corps Federal anchorages, Federal channels and Federal turning basins. The buffer zone is equal to three times the authorized depth of a FNP. The following are FNPs in MA and more information, including the limits, is provided at www.nae.usace.army.mil/missions/navigation >> Navigation Projects:

- Andrews River, Harwich, MA
- Aunt Lydia's Cove
- Beverly Harbor
- Boston Harbor
- Buttermilk Bay Channel
- Canapitsit Channel
- Cape Cod Canal
- Chatham Harbor
- Cohasset Harbor
- Cross Rip Shoals, Nantucket Sound
- Cuttyhunk Harbor
- Dorchester Bay and Neponset River
- Duxbury Harbor
- Edgartown Harbor
- Essex River
- Fall River Harbor
- Falmouth Harbor
- Gloucester Harbor and Annisquam River
- Green Harbor
- Hingham Harbor
- Hyannis Harbor
- Ipswich River
- Island End River (Chelsea, MA)
- Kingston Harbor
- Lagoon Pond
- Little Harbor Woods Hole
- Lynn Harbor
- Malden River
- Menemsha Creek
- Merrimack River
- Mystic River
- Nantucket Harbor of Refuge
- New Bedford and Fairhaven Harbor
- Newburyport Harbor
- Oak Bluffs Harbor
- Pigeon Cove Harbor
- Plymouth Harbor
- Pollock Rip Shoals, Nantucket Sound
- Provincetown Harbor
- Red Brook Harbor
- Rockport Harbor
- Salem Harbor
- Sandy Bay Harbor of Refuge
- Saugus River
- Scituate Harbor
- Sesuit Harbor
- Taunton River
- Vineyard Haven Harbor
- Wareham Harbor
- Wellfleet Harbor
- Westport River and Harbor
- Weymouth Back River
- Weymouth Fore and Town Rivers
- Winthrop Harbor
- Woods Hole Channel

Federal turning basin: See the definition of "Federal navigation projects."
Flume: An open artificial water channel, in the form of a gravity chute, which leads water from a diversion dam or weir completely aside a natural flow. A flume can be used to measure the rate of flow.
FNP buffer zone: The buffer zone of a Corps FNP is equal to three times the authorized depth of the FNP.
Frac out: During normal drilling operations, drilling fluid travels up the borehole into a pit. When the borehole becomes obstructed or the pressure becomes too great inside the borehole, the ground fractures and fluid escapes to the surface.
In the dry: Work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.
Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. 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.
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: A Department of the Army authorization that is issued following a case-by-case evaluation of a specific structure or work in accordance with the procedures of 33 CFR 322, or a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR 323, and in accordance with the procedures of 33 CFR 325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR 320.
Intertidal: The area in between mean low water and the high tide line.
Living Reef: See the definition of "artificial or living reef."
Living Shoreline: Living shorelines stabilize banks and shores in coastal waters along shores with small fetch and gentle slopes that are subject to low-to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural "soft" elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures.
Maintenance: Maintenance does not include any modification that changes the character, scope, or size of the original fill design.
Mechanized land clearing: As a general rule, mechanized land clearing is a regulated activity (see Regulatory Guidance Letter 90-05).
Metallic mineral: Any ore or material to be excavated from the natural deposits on or in the earth for its metallic mineral content to be used for commercial or industrial purposes. "Metallic mineral" does not include thorium or uranium.
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.
Mouth: The river mouths referenced in this document can be determined using the maps located at: http://www.mass.gov/eea/agencies/massdep/water/watersheds/wetlands-maps-mouth-of-coastal-river.html.
Navigable waters or Navigable waters of the U.S.: See the definition of "waters of the U.S." below.
Nearshore disposal: This is defined in the USACE Coastal Engineering Manual as "(1) In beach terminology an indefinite zone extending seaward from the shoreline well beyond the breaker zone. (2) The zone which extends from the swash zone to the position marking the start of the offshore zone, typically at water depths of the order of 20m." A nearshore berm is an artificial berm built in shallow

water using dredged material. Often, the berm is intended to renourish the adjacent and downdrift shore over time under the influence of waves and currents.

Non-tidal wetlands: See the definition of "Waters of the U.S." below.

Ordinary High Water Mark (OHW): 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. See 33 CFR 328.3(e).

Overall project: See the definition of "single and complete linear project."

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

Permanent impacts: Permanent impacts means waters of the U.S. 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.

Preconstruction notification (PCN): A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by these GPs. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Preconstruction notification may be required by the terms and conditions of these GPs. A PCN may be voluntarily submitted in cases where PCN is not required and the project proponent wants confirmation that the activity is authorized under these GPs.

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.

Real estate subdivision: Includes circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof

Reconfiguration zone: A Corps-authorized area in which permittees may rearrange pile-supported structures and floats without additional authorizations. A reconfiguration zone does not grant exclusive privileges to an area or an increase in structure or float area.

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 again in aquatic resource area and functions.

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: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

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

§404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are: aquatic areas drained, flooded, fragmented; fluctuating water levels in an impoundment and downstream associated with the operation of a dam; septic tank leaching and surface runoff from residential or commercial developments on fill; and leachate and runoff from a sanitary landfill located in waters of the U.S. See 40 CFR 230.11(h).

Sedimentation and turbidity: For the purposes of this document, "greater than minimal sedimentation or turbidity" is generally not considered to occur from the installation of sheet piles, removal of sheet piles when done in accordance with GC 16, the installation or removal of piles, dredging or excavating in predominantly sand and courser material, and dredged material disposal in the upland (e.g., beach or parking lot) into properly constructed upland contained dredged material disposal area.

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.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/ developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for the purposes of these GPs. 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.

Overall project: The overall project, for purposes of these GPs, includes all regulated activities that are reasonably related and necessary to accomplish the project purpose.

Single and complete non-linear project: For non-linear 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. A single and complete non-linear project must have independent utility (see the definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in a GP authorization.

Special aquatic sites: These include inland and saltmarsh wetlands, mud flats, vegetated shallows, sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230.3 and listed in 40 CFR 230 Subpart E.

Stream: The term "stream" in the document means rivers, streams, brooks, etc.

Streambed: 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 U.S.

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.

Temporal loss: The time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

Temporary impacts: Temporary impacts include, but are not limited to, waters of the U.S. that are temporarily filled, flooded, excavated, or drained because of the regulated activity.
Tidal wetlands: See the definition of "Waters of the U.S." below.
Tide gates: Structures such as duckbills, flap gates, manual and self-regulating tide gates, etc. that regulate or prevent upstream tidal flows.
Turbidity: See the definition of "Sedimentation and turbidity" above.
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, 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 *(Zostera marina)* and widgeon grass (*Rupiamaritima*) in marine systems (does not include salt marsh) as well as a number of freshwater species in rivers and lakes. These are a type of SAS defined at 40 CFR 230.43. Vegetated shallows are commonly referred to as submerged aquatic vegetation or SAV. Vegetated shallow survey guidance is located at www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands. Maps of vegetated shallows in Massachusetts are located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.
Vernal pools: For the purposes of these GPs, vernal pools 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, vernal pools 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.
Water diversions: Water diversions are activities such as bypass pumping (e.g., "dam and pump") or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.
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.
Waters of the United States (U.S.)

- **Navigable waters of the United States** are waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR 329 and identify waters where permits are required for work or structures pursuant to §§9 and 10 of the Rivers and Harbors Act of 1899. They are generally defined in 33 CFR 329.4 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."
  Note: Currently the following non-tidal waters have been determined to be navigable waters of the U.S. subject to permit jurisdiction in Massachusetts: Merrimack River, Connecticut River, and Charles River to the Watertown Dam.
- **Waters of the United States** are defined in 33 CFR 328. These waters 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 §404 of the CWA. Waters of the U.S. include jurisdictional wetlands.
- **Non-tidal wetland:** 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 HTL (*i.e.*, spring HTL).

- **Tidal wetland:** A tidal wetland is 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 channelward of the HTL.
- **Waterbody:** For purposes of these GPs, a waterbody is a jurisdictional water of the U.S. If a wetland is adjacent to a waterbody determined to be a water of the U.S., that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

Acronyms

BMPs	Best Management Practices
BUAR	Board of Underwater Archaeological Resources
CWA	Clean Water Act
CZM	Coastal Zone Management
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
EFH	Essential Fish Habitat
FNP	Federal Navigation Project
GC	General Condition
GP	General Permit
HTL	High Tide Line
IP	Individual Permit
LID	Low impact development
MassDEP	Massachusetts Department of Environmental Protection
MA DMF	Massachusetts Division of Marine Fisheries
MHC	Massachusetts Historical Commission
MHW	Mean High Water
MLLW	Mean Lower Low Water
MLW	Mean Low Water
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
OHW	Ordinary High Water Mark
PCN	Preconstruction Notification
SAS	Special Aquatic Sites
SF	Square Feet
SV	Self-Verification
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
USFWS	U.S. Fish and Wildlife Service
USCG	U.S. Coast Guard
USFS	U.S. Forest Service
USGS	U.S. Geological Service
WQC	Water Quality Certification

VIII: Contacts and Tribal Areas of Concern

1. Federal

U.S. Army Corps of Engineers
Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751
(978) 318-8338 (phone); (978) 318-8303 (fax)
www.nae.usace.army.mil/missions/regulatory

U.S. Environmental Protection Agency
5 Post Office Square
Suite 100 (OEP05–2)
Boston, Massachusetts 02109-3912
(617) 918-1692 (phone)

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, Massachusetts 01930
(978) 281-9300 (phone)
(*Federal endangered species & EFH)*

U.S. Fish & Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301
(603) 223-2541 (phone)
(Federal endangered species)

National Park Service
15 State Street
Boston, MA 02109
(617) 223-5191 (phone)
(*Wild and Scenic Rivers*)

Commander (dpb)
First Coast Guard District
Battery Building
One South Street
New York, NY 10004-1466
(212) 514-4331 (phone); (212) 514-4337 (fax)
(*bridge permits*)

Chief, Risk Analysis Branch
FEMA Region 1
U.S. Department of Homeland Security
99 High Street, 6th Floor
Boston, MA 02110
(617) 956-7576

2. State of Massachusetts

Department of Environmental Protection (MassDEP)

DEP Division of Wetlands and Waterways
One Winter Street
Boston, MA 02108
(617) 292-5695

DEP Northeast Region
Wetlands Protection Program
205B Lowell Street
Wilmington, MA 01887
(978) 694-3200

DEP Western Region
Wetlands Protection Program
436 Dwight Street
Springfield, MA 01103
(413) 784-1100

DEP Central Region
Wetlands Protection Program
8 New Bond Street
Worcester, MA 01606
(508) 792-7650

DEP Southeast Region
Wetlands Protection Program
20 Riverside Drive, Route 105
Lakeville, MA 02347
(508) 946-2800

Massachusetts Office of Coastal Zone Management (CZM)

MA Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114
(617) 626-1200 (phone)

3. Historic Resources:

a. Massachusetts Historical Commission (MHC)
The Massachusetts Archives Bldg.
220 Morrissey Boulevard
Boston, MA 02125
(617) 727-8470 (phone); (617) 727-5128 (fax)
Area of concern: The entire Commonwealth of Massachusetts

b. Massachusetts Board of Underwater Archaeological Resources (BUAR)
251 Causeway Street, Suite 800
Boston, MA 02114
(617) 626-1141 (phone); (617) 626-1240 (fax); victor.mastone@state.ma.us
Area of concern: All Massachusetts lakes, ponds, rivers and navigable waters.

c. Tribal Historic Preservation Officers (THPOs)

Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535
(508) 645-9265, x175 (phone); (508) 645-3790 (fax); bettina@wampanoagtribe.net
Area of concern: The entire Commonwealth of Massachusetts

Tribal Historic Preservation Officer
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, MA 02649
(508) 477-0208, x101 (phone); (508) 477-1218 (fax); rpeters@mwtribe.com
Area of concern: The entire Commonwealth of Massachusetts

Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation, New York Office
65 1st Street
Troy, NY 12180
(518) 244-3164 (phone); bonney.hartley@mohican-nsn.gov
Area of concern: West of the Connecticut River and Northfield, Montague, Miller's Falls, Turner's Falls, Sunderland, Amherst, Hadley, South Hadley, Chicopee, Springfield and Longmeadow.

Tribal Historic Preservation Officer
Narragansett Indian Longhouse
4425 South County Trail
Charlestown, RI 02813
(401) 585-0142 (phone); (413) 325-7691 (cell); tashtesook@aol.com, dhnithpo@gmail.com
Area of concern: Boston and its surrounding cities and towns; Lynn; Newton; these cities and towns in Plymouth County (Carver, Duxbury, Hingham, Kingston, Marshfield, Middleborough, Plymouth, Plympton, Scituate); these cities and towns in Norfolk County (Milton, Quincy, Braintree, Randolph, Canton, Sharon and Foxborough); the Blackstone River valley; and the cities and towns west of Worcester (which are those including and west of Ashburnham, Westminster, Princeton, Holden, Paxton, Leicester, Oxford and Webster).

US Army Corps of Engineers ®
New England District

IX: HISTORIC PROPERTY NOTIFICATION FORM

In accordance with General Condition 7, proponents must ensure and document that all potential historic properties within the permit area have been identified. To assist with this effort, proponents may send this form for self-verification activities, but must send this form for PCN activities, to the SHPO, BUAR and applicable THPO(s). You must include any Corps or state waterway agency application forms, plans and a copy of the USGS quadrangle map section that clearly marks the project location. It is recommended that you complete **all** fields (write "none" or "see attached application form" if applicable). The PCN sent to the Corps must include proof of having sent this form, e.g. the email or certified mail receipt that was used to send it, to the SHPO (does not accept email), BUAR and applicable THPOs. Please include any comments or requests received from these agencies with your PCN.

Project Name: _____
Address, City, State & Zip: _____
Project Proponent Name: _____
Address: _____
Phone(s) and Email: _____
Project Location (provide detailed description if necessary) Address, City, State & Zip: _____

_____

_____

Latitude/Longitude Coordinates (if address doesn't exist): _____
Waterway Name: _____

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name	**Type of License or Funding (specify)**

Project Description: _____

_____

_____

_____

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition: _____

_____

_____

_____

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation: _____

_____

_____

_____

Does the project include new construction? If so, describe (attach plans and elevations if necessary): _____

_____

_____

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify: _____

_____

_____

_____

What is the total acreage of the project area?

Woodland _____ acres
Wetland _____ acres
Floodplain _____ acres
Underwater and/or bottomlands _____ acres
Open space _____ acres
Developed _____ acres

Productive Resources:
Agriculture _____ acres
Forestry _____ acres
Mining/Extraction _____ acres
Total Project Acreage _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area? _____

_____

_____

_____

Signature of person submitting this form: _____ Date: _____
Name: _____
Address: _____
City/Town/Zip: _____
Telephone: _____