

**General Permit No: NAE-2016-02415**

**Final Effective Date:** August 18, 2017

**Applicant: General Public in NH**

**Expiration Date:** August 18, 2022

**Department of the Army General Permits  
for the State of New Hampshire**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues these General Permits (GPs) that expedite the review of Minimal impact work in coastal and inland waters and wetlands within the State of New Hampshire. For activities regulated by the DES and within Corps jurisdiction, the Corps will regulate those activities according to the terms and conditions of these GPs to minimize duplication between New Hampshire's Regulatory Programs and the Corps Regulatory program. However, for activities not regulated by the state within Corps jurisdiction, the Corps may use these GPs to regulate the activities provided they meet the terms and conditions of these GPs.

The Corps will review activities according to the State of New Hampshire classification of SV (Minimum), PCN (Minor/Major) per the State of New Hampshire Wetland Rules Env-Wt 100 – 900. The Corps review thresholds are typically the same as the State's thresholds, but may differ. For example, the non-tidal wetland fill thresholds for a SV (Minimum) are <3,000 square feet (SF) (State and Corps), PCN (Minor) [ $\geq 3,000$  to <20,000 SF (State and Corps)] and PCN (Major) [ $\geq 20,000$  SF (State);  $\geq 20,000$  SF to  $\leq 3$  acres (Corps)]. Minimal impact work which meets the exclusions and conditions found within these GPs eliminates the need to apply separately to the Corps for most minor, non-controversial work in New Hampshire when that work is authorized by the New Hampshire Department of Environmental Services (NHDES). Tidal fill thresholds for a SV (Minimum), [no new fill (State) < 100 SF (Corps)]; PCN (Minor/Major) [no new fill, per Env-WT 302.01(a) (State); fill area <1 acre (Corps)]. All applications utilizing more than 1 GP, please refer to General Condition 6.

**I. GENERAL CRITERIA:**

In order for activities to qualify for these GPs, they must meet the terms and eligibility criteria, General Conditions for all GPs, and one or more of the New Hampshire General Permits. Proponents should first review the New Hampshire General Permits to see if a project is eligible under one or more of the New Hampshire General permits within this document.

**Discretionary Authority.** Notwithstanding compliance with the terms and conditions of these permits, the Corps retains discretionary authority to require a PCN (Minor/Major) or Individual Permit review based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)].

**Self-Verification (SV) (Minimum):**

SV (Minimum) may proceed after receiving NHDES Wetlands Bureau authorization unless the applicant receives written notification from the Corps. An application to the State and the secondary impact information required in Appendix B (this is also attached to the State's application) is required for all projects, unless exempt from State regulation.

If you determine that your project is eligible as a SV (Minimum), you must then ensure your project is in full compliance with the terms and general conditions of the applicable GP's. If any of the terms or general conditions are not met, your project must be reviewed under the PCN (Minor/Major) procedures or Individual Permit procedures described within this document. These GPs do not replace or change

the activities exempt from Corps regulation or Corps Individual Permit review process.

**Pre-Construction Notification (PCN) Required (Minor or Major):**

**PCN (Minor/Major)** require written approval from the Corps. An application to and written authorization from the State is also required.

**New Hampshire General Permits**

1. Aids to navigation and temporary recreational structures
2. Repair or maintenance of existing currently serviceable, authorized or grandfathered structures/fills, removal of structures
3. Moorings
4. Pile-supported structures and floats, including boat lifts/hoists and other miscellaneous structures/work
5. Boat ramps/marine railways
6. Utility line activities
7. Dredging, transport & disposal of dredged material, beach nourishment, rock removal, and rock relocation
8. Discharges of dredged or fill material incidental to the construction of bridges
9. Shoreline and bank stabilization projects
10. Aquatic habitat restoration, establishment and enhancement activities
11. Fish and wildlife harvesting, enhancement and attraction devices and activities
12. Oil spill and hazardous material cleanup
13. Cleanup of hazardous and toxic waste
14. Scientific measurements devices
15. Survey activities
16. Aquaculture projects and fisheries
17. New/expanded residential, and commercial developments & recreational facilities
18. Energy generation, renewable energy and hydropower facilities
19. Mining activities
20. Temporary fill not associated with a project within Corps jurisdiction
21. Agricultural Activities
22. Repair or maintenance of existing currently serviceable, authorized or grandfathered dams
23. Wetland, Stream, River and Brook crossings

**II. CORPS JURISDICTION/AUTHORITIES TO ISSUE PERMITS:**

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

- (a) Work and structures that are located in, or that affect, navigable waters of the United States (U.S.) See[33 CFR 328] 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 Section 404 of the Clean Water Act). Discharges not requiring permits, states any discharge of dredged or fill material that may result from normal farming, silviculture and ranching activities is not prohibited by or otherwise subject to regulation under Section 404 (except as specified in paragraphs (b) and (c) of that section); [See 33 CFR 323.4].
- (c) The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act. The term

“discharge of dredged or fill material” also includes certain discharges resulting from excavation.

For additional information on the limits of Corps jurisdiction please refer to this web address [http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional\\_Limits\\_Brochure.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf) . Applicants should contact the Corps to determine if a particular excavation discharge occurring within waters or wetlands is a regulated activity.

## **2. Related Laws:**

33CFR 320.3 includes a list of related laws including Section 401 of the CWA, Section 307C of the Coastal Zone Management Act of 1972, The National Historic Preservation Act of 1966, the Endangered Species Act, Section 7 (a) and the Wild and Scenic Rivers Act.

## **III. PROCEDURES:**

### **1. State Approvals**

a. In order for Corps GP authorizations to be valid, the following state Water Quality Certification (WQC) and the Coastal Zone Management Act (CZMA) Federal Consistency Concurrence approvals must be obtained prior to the commencement of work in Corps jurisdiction (see General Condition 1). Applicants are responsible for applying for and obtaining any of the other required State and or local approvals such as the NH Shoreland Water Quality Protection Act (SWOPA).

(i) Water Quality Certification (WQC) under Section 401 of the Federal Clean Water Act (CWA) (33 USC 1341). The CWA requires applicants to obtain a WQC or waiver from the state water pollution control agency (NHDES, Watershed Management Bureau) for any GP that may result in a discharge during construction or operation of the activity. State jurisdiction for impacts to wetlands extends back to 1967 for tidal waters and 1969 for non-tidal waters. An applicant proposing to impact historic fill areas should meet with NHDES prior to plan development to ensure that the wetland plan captures state regulated resources. The NHDES has granted WQC #2017-404P-001 for the activities in these GPs, provided that the permittee obtains all other applicable permits and approvals including the required state wetlands and Alteration of Terrain approvals and complies with the conditions in this document. Under condition E-3 of the WQC, GP activities shall be subject to NHDES review to determine if additional conditions are needed and if an individual 401 Certification application is necessary to ensure compliance with surface water quality standards.

(ii) Coastal Zone Management Act (CZMA) Federal Consistency Concurrence pursuant to Section 307 of the CZMA of 1972, as amended. The NHDES administers the NH Coastal Program (NHCP). The NHCP has determined that any project in the NH Coastal Zone that is authorized under the SV (Minimum), PCN (Minor/Major) categories of these GPs is consistent with the NHCP and does not require additional CZMA Federal consistency review. The landward boundary of the state’s coastal zone encompasses the jurisdictional borders of the 17 coastal municipalities subject to tidal influence. The seaward boundary of the state’s coastal zone extends three nautical miles offshore.

### **2. Corps Authorizations**

The three GP review categories SV (Minimum), PCN (Minor/Major) are listed below. If the Corps determines a project will have more than minimal environmental impacts, or based on a concern for any other factor of the public interest [33 CFR 320.4(a)], the Corps retains discretionary authority on a case-by-case basis to elevate any SV (Minimum), PCN (Minor/Major) Impact eligible project as

an Individual Permit. In certain instances the Corps may use terms and conditions of this document to authorize those federally regulated activities which may not be regulated by the state of New Hampshire.

## **SELF-VERIFICATION (SV) (MINIMUM)**

### **Eligibility**

#### **Activities in NH that:**

1. Are subject to Corps jurisdiction [see General Condition (GC) 2];
2. Meet the general conditions of this document and any applicable GP;
3. Are listed under the heading SV (Minimum);
4. Meet the definitions of a State of New Hampshire SV (Minimum);
5. Qualifies for one or more of the New Hampshire General Permits within this document; and
6. Receive approval from the NHDES Wetlands Bureau and all other applicable Federal and State agencies, may proceed upon authorization from the NHDES Wetlands Bureau if they meet SV (Minimum) conditions unless notification is received from the Corps requiring further review or additional information.

#### **Abbreviated Application Procedures for Self-Verification (SV) (Minimum)**

Applicants must submit the information in Appendix B, which includes the Corps Secondary Impacts Checklist. For convenience, Appendix B is also attached to the NHDES Wetlands Bureau applications and Permit by Notification forms. The Corps will review this information for all projects to assess direct, indirect, secondary and cumulative impacts. The Corps will decide that the project:

- as proposed will have no more than minimal environmental impacts, which means the project may then proceed upon authorization from the NHDES Wetlands Bureau without waiting for Corps confirmation, or
- will receive a higher review level if there are concerns for the aquatic environment, any other factor of the public interest. If a higher level review is required, the Corps will notify the NHDES Wetlands Bureau. The Corps will later contact the applicant to notify them of their project status and request any additional information that may be required.

Work is eligible for a SV (Minimum) impact permit if a No Effect or No Adverse Effect determination has been made for that work by the Corps or another Federal action agency in its consultation with the New Hampshire Historic State Preservation Office (SHPO). Information on the location and existence of known historic resources can be obtained from the SHPO and the National Register of Historic Places. If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction which may be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the Corps and the SHPO.

Project proponents seeking SV (Minimum) authorizations are not relieved of their obligation to comply with the General Conditions and other Federal laws such as the National Historic Preservation Act, the Endangered Species Act and the Wild and Scenic Rivers Act.

## **PRE-CONSTRUCTION NOTIFICATION (PCN) Required (MINOR AND MAJOR)**

### **Eligibility**

#### **Activities in NH that:**

1. Are subject to Corps jurisdiction,
2. Meet the general conditions of one or more of the GPs in this document;
3. Meet the definitions of a State of NH PCN (Minor/Major);
4. Meet the definition of SV (Minimum) but have been determined by the Corps to have concerns for the aquatic environment, any other factor of the public interest, or for any potential secondary impacts;
5. Receive approval from the NHDES Wetlands Bureau and all other applicable State agencies;
6. Receive all other required Federal and State approvals; and
7. Have been through the Corps review process;

**PCN (Minor/Major).** The applicant may proceed upon receipt of written authorization from the Corps. The Corps will notify the applicant within thirty (30) days from the NHDES Wetlands Bureau decision if:

- (a) their project is authorized under one or more of the GPs,
- (b) additional information is needed; or
- (c) an Individual Permit review is required.

Env-Wt 303 Classification of Projects specifies the classifications for SV (Minimum) and PCN (Minor/Major), which may be further modified by Env-Wt 903 Stream Crossings: Classifications and Applications. The NHDES Wetlands Bureau will classify a project once it has been found to be technically complete and will provide that classification to the proponent along with their NHDES Wetlands Bureau decision. For inland wetland fill projects, the NHDES Wetlands Bureau thresholds are  $\geq 3,000$  to  $< 20,000$  SF PCN (Minor) and  $\geq 20,000$  SF PCN (Major). Additional criteria for stream crossings are found in Env-Wt 900. For certain NHDES thresholds projects are elevated to PCN (Major) which impact sensitive or special wetlands. For example, any impact to a bog or tidal wetland is classified as PCN (Major). Additionally, there are project exceptions for certain types of projects. For example, existing agriculture operations (up to 3 acres) may operate as a SV (Minimum) if certain conditions and BMPs are met.

#### **IV. Application Procedures Pre-Construction Notification (PCN) (Minor and Major)**

For projects qualifying as PCN (Minor/Major), the applicant will send the original State application package to the NHDES Wetlands Bureau. After the NHDES Wetlands Bureau assigns a State file number, the State will make the NHDES file available to the Corps. All applicants requiring a Corps authorization shall submit a Request for Project Review (RPR) Form to the NH SHPO at the NH Division of Historical Resources (DHR) to be reviewed for the presence of historic/archaeological resources within the proposed project area. When the Corps is the lead federal agency for Section 106 of the National Historic Preservation Act, 33CFR 325, Appendix C will be followed. As advisor to the federal agency in the historical review, the DHR will notify and consult with the Corps if there are historical resources which the project will affect within Corps permit areas.

The applicant must submit with their application to the NHDES Wetlands Bureau, a copy of their cover letter to and/or comments received from the SHPO concerning their project. Applicants must also provide the NHDES file number to the DHR for addition to the project information previously sent or which will be sent by the applicant to the DHR for their review. Any correspondence from the DHR to the applicant or their consultant shall be forwarded to the Corps with their state NHDES file number. The SHPO will notify the Corps if there are State concerns that the proposed work will have an effect on historic resources. The RPR submission to the DHR is not required by the Corps if the project is not within Corps jurisdiction or another Federal action agency has previously satisfied the consultation requirements of Section 106 of the National Historic Preservation Act.

### **Information Required:**

See Appendix B (required information), which is also an addendum to the New Hampshire DES Wetland Bureau application. If a project is exempt from the State process then an application for work within Corps jurisdiction is to be sent directly to the Corps of Engineers for review and authorization.

### **V. Federal/State Review Procedures Pre-Construction Notification (PCN) (Minor and Major)**

The Corps, Federal resource agencies [U.S. Fish and Wildlife Service (US FWS), U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS)] and the NHDES Wetlands Bureau will comprise the interagency review team. The Corps will review all applications for PCN (Minor/Major) with the review team at monthly interagency review meetings (“Joint Processing Meetings”) at the NHDES Wetlands Bureau. The Corps and the Federal resource agencies at the branch chief or equivalent level may agree on certain activities that do not require coordination at these meetings or may substitute a different review process. The Corps may determine on its own, or in consultation with the interagency review team, if applications for PCN (Minor/Major) work:

1. Are eligible under these GPs as proposed;
2. Require additional information;
3. Will require avoidance, minimization, construction sequencing, project modification, mitigation or other special conditions to avoid or minimize adverse environmental impacts and protect the aquatic environment to be eligible for authorization under these GPs;
4. Are ineligible under the terms and/or conditions of these GPs; or
5. Require Individual Permit review irrespective of whether the terms and general conditions of these GPs are met, based on concerns for the aquatic environment or any other factor of the public interest (see General Condition 4 (Discretionary Authority)).

**PCN (Minor and Major).** The applicant must wait for written authorization from the Corps. If an applicant for a PCN (Minor/Major) does not hear from the Corps within the thirty (30) day waiting period, the applicant should call the Corps (800) 343 4789 and inquire as to the status of their application. To proceed with a PCN (Minor/Major) without a Corps written authorization is a violation of these GPs, and the terms and conditions of this document. The applicant may be subjected to an enforcement action by the EPA and/or the Corps.

The Corps or the Federal resource agencies may, within ten (10) business days of the review meeting,

- 1) Request additional information;
- 2) Recommend avoidance, minimization, construction sequencing, modification, mitigation, or special conditions to avoid or minimize adverse environmental impacts associated with the aquatic environment and to ensure the terms and general conditions of one or more of these GPs are met.

The Corps will contact the applicant either by phone or in writing if there are concerns. For additional information requests, the Corps will copy the NHDES Wetlands Bureau administrator and assigned NHDES reviewer along with the Federal resource agency making the request. If the applicant is unable to resolve the concerns or modify the project, the Corps may determine that a project is ineligible under these GPs and will then take discretionary authority and require the applicant to apply for an individual permit. The Corps will do so in writing to the applicant and copy the NHDES Wetlands Bureau and the pertinent Federal resource agencies. A project may regain eligibility under one or more of these GPs if the applicant subsequently addresses all of the concerns raised to the Corps' satisfaction.

In accordance with regional environmental concerns, projects involving more than 1 acre of impacts may require an Individual Permit review. Projects with impacts >3 acres shall require an Individual Permit review. Generally, the following types of impacts are viewed as minimal and are eligible for GP authorization (subject to agency review and Corps approval) for projects impacting between 1 - 3 acres of wetlands:

1. Widening of transportation projects and expansions of existing projects.
2. Wetland edge encroachments and/or wetland crossings to access usable uplands
3. Low value or degraded wetlands, and
4. Temporary fills for construction access

#### **VI. Emergency Procedures 33 CFR 325.2(e)(4): Pre-Construction Notification (PCN) (Minor/Major)**

An "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

In accordance with Env-Wt 501, applicants may request, and NHDES may authorize, work within jurisdiction when there is a threat due 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 and the event causing the emergency occurred within the previous five days. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, is subject to the terms and conditions of this document; otherwise an IP is required. Contact the state in the event of an emergency situation.

The work proponent shall submit a description of all work performed during an emergency, except for those projects classified SV (Minimum), in lieu of a permit application. Applications as required under Env-Wt 501 shall be submitted for any permanent repairs, restoration, or other activities proposed to be conducted after the emergency has ended. The Corps will review emergency work and confirm any

additional Federal authorizations or mitigation required during real-time review and/or through an after-the-fact permit process. Emergency authorizations shall be limited to stabilization of the site and/or mitigation of an immediate threat.

## **VII. Construction of Solid Fill Structures and Fills Along the Coastline or Baseline From Which the Territorial Sea is Measured. all are considered Pre-Construction Notification (PCN) (Major)**

Projects with construction of solid fill structures or discharge of fill that may extend beyond the coastline or the baseline from which the territorial sea is measured (i.e., mean low water), must be coordinated with the Bureau of Ocean Energy Management (BOEM), Outer Continental Shelf (OCS) Survey Group, pursuant to the Submerged Lands Act (43 USC 1301-1315, 33 CFR 320.4(f)). The Corps will forward project information to BOEM for their review. The BOEM will coordinate their determination with the Department of the Interior (DOI) Solicitor's Office. The DOI will have fifteen (15) calendar days from the date BOEM received the project information to determine if the baseline will be affected. If the Corps is not notified within the fifteen (15) day period it will assume a "no effect" determination. If the solicitor's notification to the Corps is verbal, it must be followed with a written confirmation within ten (10) business days of the date of the verbal notification. This procedure will be eliminated if the State of New Hampshire provides a written waiver of interest in any increase in submerged lands caused by a change in the baseline resulting from solid fill structures or fills authorized under these GPs.

## **VIII. INDIVIDUAL PERMIT**

Work that is in the Individual Permit category does not meet the terms and general conditions of these GPs. Proposed work in this category will require a separate Federal application for an Individual Permit from the Corps (33 CFR 325.1). Applicants are required to submit the appropriate application materials directly to the Corps as early as possible to expedite the permit review process. General information and application forms can be obtained at our web site or calling our office at (800) 343-4789. Individual 401 WQC and/or CZMA Federal consistency concurrence from the appropriate NH agencies are required before the Corps can issue an Individual Permit. Filing an Individual Permit application does not relieve the applicant from their obligation to obtain all required Federal, State and/or local approvals.

## **IX. GENERAL PERMIT CONDITIONS:**

The following general conditions apply to all activities authorized under these GPs, including all SV (Minimum) & PCN (Minor/Major).



## **General Conditions**

### **1. Other Permits.**

Permittees must obtain other Federal, State, or local authorizations required by law. Applicants are responsible for applying for and obtaining all required State or local approvals. Work that is not regulated by the State, but is subject to Corps jurisdiction, may be eligible for these GPs.

### **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 Clean Water Act (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) Pre-Construction Notification (PCN) (Minor/Major) 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.

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

a) Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States (U.S.) to the maximum extent practicable at the project site (i.e., on site). Consideration of mitigation (avoiding, minimizing, rectifying, reducing, or compensating) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.

b) Applicants should consider riparian/forested buffers for stormwater management and low impact development (LID) best management practices (BMPs) to reduce impervious cover and manage stormwater to minimize impacts to the maximum extent practicable.

c) Compensatory mitigation for effects to waters of the U.S., including direct, secondary and temporal, will generally be required for projects with permanent impacts that exceed the SV (Minimum) area limits, and may be required for temporary impacts that exceed the SV (Minimum) area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement. The Corps New Hampshire In-Lieu Fee Program allows Corps permittees, as compensation for their project impacts to aquatic resources of the United States in New Hampshire pursuant to Section 404 of the Clean Water Act, to make monetary payment in-lieu of permittee-responsible mitigation. Mitigation will likely be required for fills >10,000 SF, stream work >200 linear FT, and other circumstances (see Env-Wt 302 and 800). Information is provided at <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx> >>Mitigation>>New Hampshire In-Lieu Fee Program. Please note that this only applies to Corps required mitigation.

#### **4. Discretionary Authority**

Notwithstanding compliance with the terms and general conditions in these GPs, the Corps retains discretionary authority to require either a PCN (Minor/Major) review or an Individual Permit review for any project, including a higher level review for a SV (Minimum), based on concerns for the aquatic environment or for any of the other public interest factors (33 CFR 320.4(a)). This authority is invoked on a case-by-case basis whenever the Corps determines that the potential impacts of the proposal warrant either a PCN (Minor/Major) review or an Individual Permit review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the GPs and that warrants greater review. Whenever the Corps notifies an applicant that either a PCN (Minor/Major) review or Individual Permit review is required, authorization under these GPs is void, and no work may be conducted until the Corps issues the required authorization or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under these GPs.

#### **5. Single and Complete Project.**

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. These GPs shall not be used for piecemeal work and shall be applied to single and complete projects.

**a)** 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.

**b)** 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.

**c)** For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e. single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. If any crossing requires a PCN (Minor/Major) review or an individual permit review, then the entire linear project shall be reviewed as one project as a PCN (Minor/Major) or the Individual Permit procedures.

#### **6. Projects requiring the use of multiple GPs.**

When a single and complete project requires the use of multiple GPs, the project review category, SV (Minimum), PCN (Minor/Major) or Individual Permit will be determined by adding the impacts to wetland and/or Waters of the U.S. for each applicable GP together. The project review thresholds for each category SV (Minimum), PCN (Minor/Major), and Individual permit) are specified on page one in paragraph 2.

## **7. Permit/Authorization Letter On-Site.**

For PCN (Minor/Major) projects, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means these GPs, including General Conditions and the authorization letter (including its drawings, plans, appendices and other attachments), and any permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

## **8. Historic Properties**

**a)** No undertaking authorized by these GPs shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), and the National Register of Historic Places can assist with locating information on:

**i)** previously identified historic properties; and

**ii)** areas with potential for the presence of historic resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO.

**b)** For activities eligible for SV (Minimum) inland projects, proponents must ensure and document that the activity will not cause effects as stated in 8(a).

**c)** Proponents must submit a PCN (Minor/Major) application to the Corps as soon as possible if the authorized activity may cause effects as stated in 8(a) to ensure that the Corps is aware of any potential effects of the permitted activity on any historic property that the consultation requirements of Section 106 of NHPA are satisfied.

**d)** All SV (Minimum) and PCN (Minor/Major) Impact inland projects shall:

**i)** show notification to the SHPO (including your NHDES file number) for their identification of historic properties,

**ii)** state which historic properties may 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 indicating that there are or are not historic properties affected. Starting consultation early in project planning can save proponents time and money.

**e)** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the District Engineer

of what you have found, and stop all construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## **9. National Lands**

Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary or any area administered by the National Park Service, USFWS or U.S. Forest Service are not eligible for SV (Minimum).

## **10. Corps Property and Federal Projects**

- a) No SV (Minimum) work is allowed on Corps properties & Corps-controlled easements
- b) In addition to any authorization under one or more of these GPs, proponents must contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents evidencing site-specific permission to work.
- c) Any proposed alteration, modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), which could impair the usefulness of the Federal project in any manner or be injurious to the public interest is not eligible for a SV (Minimum) review and requires review and approval by the Corps pursuant to 33 USC 408. Where Section 408 is applicable, a decision on a Department of the Army general permit application will not be rendered prior to the decision on a 408 request.

## **11. Essential Fish Habitat (EFH)**

As part of the GP review process, the Corps will coordinate with the NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed "Essential Fish Habitat," (EFH) and is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity." All species managed under the MSA have had EFH designations. There are 61 species with EFH in the coastal waters of southern New England. Applicants may be required to describe and identify potential impacts to EFH. Conservation recommendations regarding the protection of EFH for species managed under the MSA made by NMFS will normally be included as special conditions to any permit issued by the Corps. The NMFS has established a web site at [www.greateratlantic.fisheries.noaa.gov/habitat](http://www.greateratlantic.fisheries.noaa.gov/habitat) .

## **12. Pile Driving and Removal (for all applicable GPs)**

- 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 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.

- b.** A PCN is required for the installation of structures with jetting techniques.
- c.** A PCN is required for the installation of >12 inch-diameter piles or steel piles in tidal waters unless they are installed in the dry. If they are not installed in the dry, installation of these piles 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.

### **13. 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 or a species proposed for such designation, as identified under the Federal Endangered Species Act (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 ESA section 7 consultation addressing the effects of the proposed activity has been completed; or iii) violates the ESA.

**b)** For listed species or critical habitat under USFWS jurisdiction, project proponents must check <http://ecos.fws.gov/ipac> and submit a PCN if any listed species or critical habitat may be impacted. An activity is eligible for SV if the IPaC website indicates that only the northern long-eared bat (NLEB) (*Myotis septentrionalis*) is present BUT the activity:

- i)** will not remove trees  $\geq 3$  inches dbh; and
- ii)** is not within the “buffer” of a NLEB hibernacula or maternity roost tree; and
- iii)** does not involve work on bridges or existing riprap associated with dams.

**c)** For listed species or habitat under NMFS jurisdiction, the Corps will coordinate with NMFS as appropriate for all work eligible for SV (Minimum) that may have an effect on listed species or habitat; therefore SV eligible (Minimum) project proponents are not required to check for listed species or habitat for their projects.

**d)** Federal applicants should follow their own procedures for complying with the requirements of the ESA. Work may be eligible for SV (Minimum) if another Federal agency has satisfied the requirements of Section 7 of the ESA. Upon request, permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements.

**e)** 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.

### **14. Wild and Scenic Rivers**

No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g. National Park Service, U.S. Forest Service, Bureau of Land

Management, U. S. Fish and Wildlife Service).

National Wild and Scenic Rivers System segments for New Hampshire as of February 2007, include: Wildcat Brook from its headwaters (Little Wildcat Brook, Bog Brook and Great Brook) to the confluence with the Ellis River (administered through the White Mountain National Forest), and the Lamprey River from the Bunker Pond Dam in the town of Epping to the confluence with the Piscassic River (administered by the NPS, Northeast Region).

## **15. Navigation**

- a)** No activity may cause more than a minimal adverse effect on navigation.
- b)** Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.
- c)** Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. This is applicable to SV (Minimum) and PCN (Minor/Major).
- d)** There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.
- e)** 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.
- f)** An application to the Corps is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A.

## **16. Federal Liability**

In issuing these GPs, the Federal Government does not assume any liability for the following:

- a)** damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
- b)** damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;
- c)** damages to persons, property or to other permitted or unpermitted activities or structures caused by the activity authorized by any of the GPs;
- d)** design or construction deficiencies associated with the permitted work; and
- e)** damage claims associated with any future modification, suspension or revocation of this permit.

## **17. Heavy Equipment in Wetlands**

- a.** Operating heavy equipment other than fixed equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained or repaired in

wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall: a) have low ground pressure (typically <4 psi); b) be placed on timber mats that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or c) be operated on frozen wetlands. Timber mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. 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. At a minimum, timber mats should be managed in accordance with the following construction mat best management practices:

- Mats should be in good condition to ensure proper installation, use and removal.
  - Where feasible, mats should be carried and not dragged unless they are being used as a grading implement.
  - Where feasible, place mats in a location that would minimize the amount needed for the wetlands crossing.
  - To prevent the spread of invasive plant species swamp or timber mats are to be thoroughly cleaned before re-use
  - Minimize impacts to wetland areas during installation, use, and removal.
  - Install adequate erosion & sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, swamp mats.
  - In most cases, timber mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.
  - Provide standard construction mat BMP details to work crews.
- b.** Construction equipment such as barges in tidal waters shall provide clearance above the substrate to avoid impacts to SAS during all tides.

## **18. Temporary Fill**

- a)** Temporary fill shall be in place for no longer than one growing season.
- b)** Temporary fill, construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be replaced 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.
- c)** All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.
- d)** Unconfined temporary impact authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).
- e)** Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement. A PCN is required for



construction mats and corduroy roads that involve underlying fill.

f) Construction debris nor deteriorated materials shall not be located in waters of the U.S.

## **19. Restoration of Inland Wetland Areas**

a) Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix D in the “New England District Compensatory Mitigation Guidance” found at <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CompensatoryMitigationGuidance.pdf>

b) The introduction or spread of invasive plant species in disturbed areas shall be controlled. If swamp or timber mats are to be used, they shall be thoroughly cleaned before re-use.

c) 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.

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

## **20. Soil Erosion and Sediment Controls**

a. Appropriate soil erosion and sediment controls<sup>1</sup> (hereinafter referred to as “controls”) must be used and maintained in effective operating condition during construction. Biodegradable wildlife friendly erosion controls should be used whenever practicable. Activities in streams (rivers, streams, brooks, etc.) and tidal waters that are capable of producing sedimentation or turbidity should be done during periods of low-flow or no-flow, when the stream or tide is waterward of the work, or when controls are used to obtain dry work conditions. A PCN is required for an activity that causes greater than minimal sedimentation or turbidity in streams or tidal waters.

b. 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. Suspended solids shall be removed prior to discharge back into waters or wetlands from these dewatering structures. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.

c. 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.

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<sup>1</sup> 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 (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.



## 21. Bank Stabilization

Projects involving construction or reconstruction/maintenance of bank stabilization structures within Corps jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. Where possible, bank stabilization projects shall optimize the natural function of the shoreline, including self-sustaining stability to attenuate flood flows, fishery, wildlife habitat and water quality protection, while protecting upland infrastructure from storm events that can cause erosion as well as impacts to public and private property.

Applicants must use the least intrusive method to stabilize the bank, follow the details at Env-Wt 404 Criteria for Shoreline Stabilization and the following sequential minimization process: diversion of water, vegetative stabilization, stone-sloped surfaces, and walls. Vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact harbors, marinas, or other developed shore areas. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife.

## 22. Waterway/Wetland Work and Crossings

- a) All temporary and permanent crossings of waterbodies and wetlands shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, and not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- b) 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, unless the activity's primary purpose is to impound water.
- c) All temporary and permanent crossings of rivers, streams, brooks, etc. (hereafter referred to as "streams") shall conform to the "New Hampshire Stream Crossing Guidelines" located at [www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permits](http://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permits). The Corps shall review projects under the PCN (Minor/Major) Impact or IP review procedures if conforming to the Guidelines is impractical. The Guidelines typically require bridge spans, open bottom arches or embedded culverts. Bridge spans are generally preferred.
- d) The requirements to comply with the Guidelines in order to proceed as a SV (Minimum) as stated in (c) above does not apply to constructed drainage systems designed primarily for the conveyance of storm water or irrigation. Also, non-tidal drainage and irrigation ditches excavated on dry land are not Federally-regulated.
- e) Only maintenance or replacement of serviceable crossings with an exact replica crossing (no change in size, character and scope) in the same footprint with no expansion or change in use/circumstances is considered as a maintenance project. Maintenance meeting these criteria are exempt from Corps regulation. Any deviation deems the crossing as "new", potentially requiring a new Corps authorization. **Note:** The State of NH's maintenance provisions differ from the Corps and will likely require reporting and written authorization from the State.
- f) Road crossings at wetland and waterbody crossings shall be installed in such a manner as to preserve hydraulic capacity, sediment transport, and organism passage at its present level, between the wetlands on either side of the road. The permittee shall take necessary measures to correct any wetland damage resulting from deficiencies in hydraulic capacity, sediment transport and organism passage.
- g) Activities involving open trench excavation in flowing waters require a PCN (Minor/Major). Work should not occur in flowing waters (requires using management techniques such as temporary flume pipes, culverts, cofferdams, etc.). Normal flows should be maintained within the stream boundary's

confines when practicable. Projects utilizing these management techniques must meet the other SV (Minimum) requirements and all of the applicable GP terms and general conditions.

**h)** Construction equipment crossing or accessing streams without using temporary bridges, spans, timber mats, culverts or cofferdams are not eligible as a SV (Minimum). (Note: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of these GPs.

**i)** Projects which meet the definition of a SV (Minimum), in-stream (e.g., rivers, streams, brooks, etc.) construction work shall be conducted only during the low flow period of July 15 – October 1 in any year. Projects conducted outside of that time period are ineligible as a SV (Minimum) and shall be reviewed pursuant to PCN (Minor/Major) procedures, regardless of the waterway and wetland fill and/or impact area.) Any work that impacts upstream or downstream flooding or wetlands must be reviewed under the PCN (Minor/Major) procedures.

### **23. Discharge of Pollutants**

All activities involving any discharge into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months from the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Unless monitoring data indicates otherwise, applicants may presume that their activity complies with state water quality standards provided they are in compliance with the Section 401 WQC (Applicable only to the Section 404 activity).

### **24. Spawning, Breeding, and Migratory Areas**

**a)** Jurisdictional activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities in jurisdictional waters that provide value as fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable.

**b)** Jurisdictional activities in waters of the U.S. that provide value as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any “take” permits required under the USFWS’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. Information on spawning habitat for species managed under the Magnuson-Stevens Fishery Conservation and Management Act (i.e., EFH for spawning adults) can be obtained from the NMFS website at: [www.greateratlantic.fisheries.noaa.gov/habitat](http://www.greateratlantic.fisheries.noaa.gov/habitat)

### **25. Storage of Seasonal Structures**

Coastal structures such as pier sections, floats, 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. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

## 26. Environmental Functions and Values

The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner that minimizes any adverse impacts on existing fish, wildlife, and the environmental functions to the extent practicable. The permittee will discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency. See the section on Invasive Species at <http://www.nae.usace.army.mil/Regulatory/> for control methods.

## 27. Invasive Species

- a) The introduction, spread or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the site work shall be avoided. Hence, swamp and timber mats shall be thoroughly cleaned before reuse.
- b) Unless otherwise directed by the Corps, all applications for PCN inland projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan. Additional information can be found at [www.hort.uconn.edu/cipwg/](http://www.hort.uconn.edu/cipwg/)

## 28. Protection of Special Resources (Special Aquatic Sites, Areas Containing Shellfish, and Special Wetlands)

These are defined at Appendix C, Endnotes/Definitions. These waters (e.g., riffle and pool complexes) and wetlands are more valuable and may be more sensitive to fragmentation, non-point source runoff, and other secondary impacts. Secondary impacts (e.g., site clearing, grading, and construction activities) should be limited.

**Special Aquatic Sites (SAS):** New projects with temporary or permanent fill in, or secondary impacts to, SAS (other than inland wetlands) do not qualify for these GPs. General Permits exist for projects proposing a repair, maintenance, enhancement or restoration activity. For PCN (Minor/Major) projects, all SAS (other than inland wetlands) within the project area shall be delineated.

**Areas containing Shellfish:** Projects proposing to fill or dredge in NH Fish and Game designated areas used for recreation harvest (open or closed), whether directly or indirectly, do not qualify for authorization under these GPs and must be reviewed as an Individual Permit project. Applicants must ensure that all projects proposed in or adjacent to any areas containing shellfish identified on these maps are designed to avoid and minimize adverse effects. Maps of designated areas containing shellfish used for recreation harvest are located at:  
[www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf](http://www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf)

**New Hampshire Special Wetlands:** Projects with temporary or permanent fill in, or secondary impacts to special wetlands, do not qualify as a SV (Minimum) except where an applicant has adopted NHB and/or Fish and Game recommendations to avoid impacts to the special wetland. For Minor/Major projects, the applicant shall delineate all wetlands on the property using Federal delineation methods. The Corps and the NHDES may waive these delineation requirements on a case-by-case basis after consultation with the each other. Naturally vegetated upland buffers are especially essential to protect their functions.

## **29. Vernal Pools**

- a) On 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, vernal pool envelopes, and critical terrestrial habitats should be avoided and minimized to the maximum extent practicable.
- d) GC 29(b) and (c) do not apply to projects that are within a municipality that meets the provisions of a Corps-approved VP Special Area Management Plan (VP SAMP) and are otherwise eligible for self-verification, and the applicant meets the requirements to utilize the VP SAMP.

## **30. Inspections**

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

## **31. Maintenance**

The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. This does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds in Appendix A – General Permit #7 as well as any conditions included in a written Corps authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged. Some maintenance activities may not be subject to federal regulation under Section 404 in accordance with 33 CFR 323.4(a) (2).

## **32. 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.

## **33. Transfer of GP Verifications**

When the work authorized by these GPs is 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 entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property associated with a General Permit authorization, the permittee may transfer the General Permit authorization to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the General Permit authorization letter must be attached to the letter, and the letter must include the following statement: “The terms and conditions of this General Permit, including any special conditions, will continue to be binding on the new owner(s) of the property”. This letter should be signed by both the seller and new property owner(s).

### **34. Modification, Suspension, and Revocation**

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.

### **35. Special Conditions**

The Corps may impose other special conditions on a project authorized pursuant to these GPs that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all general conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

### **36. 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 GP authorization(s) may not be valid and the U.S. Government may institute legal proceedings.

### **37. Abandonment**

If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

### **38. Enforcement cases**

These GPs do not apply to any existing or proposed activity in Corps jurisdiction associated with a 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.


### **39. Duration of Authorization**

These GPs expire five years from the date issued as listed at the top of the cover sheet. Activities authorized by these GPs that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have an additional year from the expiration date to complete the work. The permittee must be able to document to the Corps' satisfaction that the project was under construction or under contract by the expiration date of these GPs. If work is not completed within the one year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization provided the project meets the terms and conditions of the NH GPs in effect at the time.

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

#### 40. Previously Authorized Activities

- a) Prior to issuance of these GPs, activities the Corps authorized and constructed under any previous NH GP shall remain authorized as specified in each authorization.
- b) Activities authorized pursuant to 33 CFR 330.3 (activities occurring before certain dates) are not affected by these GPs.

  
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Jennifer L. McCarthy  
Chief, Regulatory Division

Date: 8/18/2017

## **X. NH GP CONTACTS:**

### **1. FEDERAL AGENCIES**

U.S. Army Corps of Engineers  
New England District, Regulatory Branch C  
696 Virginia Road  
Concord, MA 01742-2751  
(800) 343-4789, (978) 318-8335 (978) 318-8303 (fax)

U.S. Environmental Protection Agency  
Region 1, Attn Mark Kern  
5 Post Office Square  
Mail Code OEP06-3  
Boston, MA 02109-3912  
(617) 918-1589

(Federal Endangered Species)  
U.S. Fish and Wildlife Service  
70 Commercial Street  
Suite 300  
Concord, NH 02813  
(603) 223-2541

National Park Service National Park Service North Atlantic Region  
15 State Street  
Boston, Massachusetts 02109  
(617) 223-5191

National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
Habitat Conservation Division  
55 Great Republic Drive  
Gloucester, MA 01930  
(978) 281-9102 or 9130  
(NMFS ESA Federal Contact Zachary Jylkka & EFH contact Mike Johnson)

NOAA Restoration Center  
55 Great Republic Drive  
Gloucester, Massachusetts 01930  
(978) 281 9313

Natural Resources Conservation Service  
Federal Building  
2 Madbury Road  
Durham, NH 03824-2043  
(603) 868-7581

## **2. STATE OF NEW HAMPSHIRE**

NHDES Wetlands Bureau  
29 Hazen Drive  
Concord, NH 03302  
(603) 271-2147, (603) 271-6588 (fax)

NHDES Dam Bureau  
29 Hazen Drive  
Concord, NH 03302  
(603) 271-3406, (603) 271-6120 (fax)

New Hampshire Coastal Program  
222 International Drive, Suite 175  
Portsmouth, NH 03801  
(603) 559-1500, (603) 559-1510 (fax)

NH Division of Historical Resources  
State Historic Preservation Office  
19 Pillsbury Street Concord, NH 03301-3570  
(603) 271-3483

Natural Heritage Bureau (State Endangered Species)  
172 Pembroke Road  
P.O. Box 1856  
Concord, NH 03302  
(603) 271-2215, x323

NH Fish and Game Department (State Endangered Species)  
Non-Game Endangered Wildlife Program  
11 Hazen Drive  
Concord, NH 03302-0095  
(603) 271-3421

Pease Development Authority, Division of Ports and Harbors  
555 Market Street  
Portsmouth, NH 03801  
(603) 436-8500



### 3. ORGANIZATIONAL WEBSITES

Corps of Engineers New England District <http://www.nae.usace.army.mil/Regulatory> and

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional\\_Limits\\_Brochure.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf)

SAV survey guidance:

[http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Submerged\\_Aquatic\\_Vegetation\\_Survey\\_Guidance.pdf](http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance.pdf)

Environmental Protection Agency [www.epa.gov/owow/wetlands](http://www.epa.gov/owow/wetlands)

National Marine Fisheries Service, Northeast Region [www.greateratlantic.fisheries.noaa.gov/habitat](http://www.greateratlantic.fisheries.noaa.gov/habitat)

National Marine Fisheries Service, National Headquarters <http://www.habitat.noaa.gov/index.html>

U.S. Fish and Wildlife Service [www.fws.gov](http://www.fws.gov)

National Park Service [www.nps.gov/rivers/index.html](http://www.nps.gov/rivers/index.html)

NH DES Wetlands Bureau [www.des.nh.gov/organization/divisions/water/wetlands/index.htm](http://www.des.nh.gov/organization/divisions/water/wetlands/index.htm)

NH wetlands rules [www.des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands](http://www.des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands)

NH Fish and Game Department [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us)

Marine [www.wildlife.state.nh.us/marine](http://www.wildlife.state.nh.us/marine)

NH Coastal Program <http://des.nh.gov/organization/divisions/water/wmb/coastal/index.htm>

NH Division of Historical Resources [www.nh.gov/nhdhr](http://www.nh.gov/nhdhr)

NH GIS [www.granit.unh.edu](http://www.granit.unh.edu)

NH Water Quality Certification Program

<http://des.nh.gov/organization/divisions/water/wmb/section401/index.htm>

Granit website: <http://www.granit.unh.edu/> (Has more than eelgrass- salt marsh, shellfish, etc.).

NMFS Habitat Conservation Division website (EFH):

<http://www.greateratlantic.fisheries.noaa.gov/habitat/index.html>

Natural Heritage Bureau (NHB) website, <http://www.nhdf.org/natural-heritage-and-habitats/> &

NHB DataCheck Tool (for acquiring rare species information):

[https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

Pease Development Authority, Division of Ports and Harbors, <http://www.portofnh.org>

**APPENDIX A – GENERAL PERMITS**

<p><b>GP 1. AIDS TO NAVIGATION AND TEMPORARY RECREATIONAL STRUCTURES (Section 10; tidal and navigable waters of the U.S.)</b> The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).</p> <p><b>Note:</b> Federal navigation projects (FNPs) are comprised of Federal channels, anchorages, and turning basins</p>	
<p><b>Self-Verification (SV) (Minimum)</b></p> <ol style="list-style-type: none"> <li>1. Temporary buoys, markers, floats, etc. for recreational use during specific events, provided: <ul style="list-style-type: none"> <li>• They are in place for no more than 30 days and are removed within 15 days after use is discontinued; and</li> <li>• Moorings, buoys, and floats located over SAS (e.g., vegetated shallows) must use proper/eco-friendly connections that don't rest on the bottom; and</li> <li>• Float stops, cable connections, or other devices must be used to provide <math>\geq 2.0</math> foot clearance between the bottom of the float and the substrate during all tides.</li> <li>• Not located within Federal Navigation Projects and their associated buffer zones</li> </ul> </li> <li>2. Structures, buoys, floats and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose by the U.S. Coast Guard, provided placement is outside of EFH, SAS (e.g, vegetated shallows), or areas containing shellfish. If placement outside of vegetated shallows isn't possible, proper/eco-friendly moorings must be used so cable connections don't rest on the bottom; and</li> <li>3. For 1 and 2 above to be SV Eligible, authorization by the local harbormaster and/or the Pease Development Authority, Division of Ports and Harbors, (<a href="http://www.portofnh.org">http://www.portofnh.org</a>) is required.</li> </ol>	<p><b>Pre-Construction Notification (PCN) Required (Minor/Major)</b></p> <p>Work not eligible for SV (Minimum)</p> <p>Aids to navigation or temporary markers, floats, etc. that are not to be removed within 30 days</p> <p>Aids to navigation or temporary markers, floats, structures, etc. that are within a Corps FNP.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance_(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance_(11-Aug-2016).pdf</a></p>

**GP 2. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED OR GRANDFATHERED STRUCTURES/FILLS, REMOVAL OF STRUCTURES (Section 10 & 404; tidal and non-tidal waters of the U.S.)** 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 or contemplated for it in the original permit or the most recently authorized modification. 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 authorized. Includes removal of structures and fill.

**Not authorized under GP 2:** (a) Permanent loss in tidal waters >1 acre; or (b) ≥3 acres in non-tidal waters and/or wetlands.

**Note:** (1) Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2), (2) Grandfathered dates for Corps purposes only: a) Work performed and structures installed before 1968 (Section 10); b) Fill placed before 1975 (section 404), and (3) The State’s maintenance provisions differ from the Corps and may require written authorization from the State, even though it’s not required from the Corps. For example, the state does not grandfather wetland fill. The state also defines “abandoned” and “grandfathered status”, while the Corps does not.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Repair, replacement in-kind, or maintenance of existing, currently serviceable, authorized structures or fills:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed</li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> <li>• No new fill in tidal waters.</li> <li>• No new piles in tidal waters</li> </ul> <p><b>Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Repair/maintenance of existing, currently serviceable, authorized fills, including maintenance of existing flood control facilities, with an expansion or a change in use &lt;3000 SF.</p> <p>Replacement of non-serviceable authorized fills &lt;3000 SF</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply</li> </ul> <p>Timber mats of any area necessary to conduct activities for maintenance work provided that they are removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Repair/maintenance of currently serviceable authorized fills with expansion or a change in use ≤1 acre.</p> <p>Replacement of non-serviceable authorized fills, including expansion or a change in use ≤1 acre.</p> <p>Repair/maintenance of currently serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p>Replacement of non-serviceable authorized structures w/expansion where the structure (existing + expansion) qualifies as a Minor/Major Impact.</p> <p>Timber mats ≤1 acre necessary to conduct activities for maintenance work. Mats should be removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Repair/maintenance of existing, currently- serviceable, authorized fills, with an expansion or a change in use ≥3000 SF and ≤3 acres.</p> <p>Replacement of non-serviceable authorized fills ≥3000 SF and ≤3 acres.</p> <p>Timber mats of any area necessary to conduct activities for maintenance work provided that they are removed as soon as work is completed</p> <p><b>Note:</b> All special wetlands on the property using Federal delineation methods shall be delineated. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES.</p>

**GP 3. MOORINGS (Section 10; navigable waters of the U.S.)** Private, non-commercial, non-rental, single-boat moorings & temporary moorings or moorings to facilitate construction or dredging; minor relocation of previously authorized moorings and mooring field expansions, boundary reconfigurations or modifications of previously authorized mooring fields and maintenance and replacement of moorings.

**Not authorized under GP 3:** Moorings within Federal navigation channel.

**Note:** (a) The buffer zone is equal to 3 times the authorized depth of that Federal channel and Federal anchorage.  
 (b) Boating facilities provide for a fee, rent, or sell mooring space. These facilities include but are not limited to marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
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- Private, non-commercial, non-rental, single-boat moorings and temporary moorings to facilitate construction or dredging, provided:
- Proper/eco-friendly moorings are used so connections do not rest on the bottom during any tide.
  - Private moorings authorized by the local harbormaster and/or the Pease Development Authority, Division of Ports and Harbors ([www.portofnh.org](http://www.portofnh.org)).
  - Not associated with a boating facility.
  - Moorings not located within Federal Navigation Projects and their associated buffer zones.
  - No interference with navigation.
  - No new or relocated moorings in SAS (e.g., vegetated shallows) or intertidal areas.

Work not eligible for SV (Minimum)

Moorings located such that they and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits of a Federal channel or Federal anchorage require a written authorization from the Corps.

Moorings associated with an existing boating facility.

Moorings to be located within Federal Anchorage Projects and their associated buffer zones

Private moorings without local harbormaster and/or Pease Development Authority, Division of Ports and Harbors ([www.portofnh.org](http://www.portofnh.org)), approval

Locating new individual moorings in SAS (e.g., vegetated shallows) should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring cable connections from resting or dragging on the bottom substrate at all tides or helical anchors, or equivalent SAS protection systems, where practicable.

**Note:** All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: [http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance \(11-Aug-2016\).pdf](http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf)

**GP 4. PILE-SUPPORTED STRUCTURES AND FLOATS, INCLUDING BOAT LIFTS/HOISTS AND OTHER MISCELLANEOUS STRUCTURES AND WORK (Section 10 & 404; navigable waters of the U.S.)** New, expansions, reconfigurations or modifications of structures for navigation access including floats and boat/float lifts.

**Not authorized under GP 4:** (a) excavation projects; (b) structures within Federal navigation channels or Federal anchorages; (c) structures associated with a NEW boating facility; or (d) permanent and temporary loss to tidal SAS and areas containing shellfish.

**Notes:** (1) Boating facilities are facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc. (2) Pile supported structures with no discharges of dredged or fill material are not regulated by the Corps in non-navigable waters. (3) DES measures all structures attached to shore starting at the highest observed tide line (HOTL).

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p><b>Tidal and Non-Tidal Navigable Waters (Section 10)</b></p> <p>No allowances for new pile-supported structures and floats or fill.</p> <p>Reconfiguring previously authorized structures within an existing boating facility provided those structures do not extend beyond the existing perimeter of the facility.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Navigable Waters (Section 10 &amp; 404)</b></p> <p>New pile supported structures.</p> <p>Recommendations for new private structures and floats:</p> <ul style="list-style-type: none"> <li>• Maximum overall length of a pier, ramp and float is not to exceed 200 linear feet</li> <li>• Pile-supported structures for navigational access to the waterway &lt;900 SF with attached floats &lt;400 SF.</li> <li>• Pile-supported structures are &lt;6’ wide and have at least a 1:1 height: width ratio.</li> <li>• Float stops, chains, or other devices must be used to provide ≥ 2.0-foot clearance between the bottom of the float and the substrate during all tides.</li> <li>• Pile-supported structures &amp; floats are not located within 25’ of vegetated shallows and moored vessels are not positioned over SAS.</li> <li>• No structure extends across &gt;25% of the waterway width at mean low water (MLW).</li> <li>• Not located within the buffer zone of the horizontal limits of a Federal navigation project.</li> <li>• Free floating (not attached to shore) bottom-anchored floats &lt;400 SF</li> </ul> <p>Fill &lt;400 SF waterward of the ordinary high water line (OHW) or high tide line (HTL) facilitating the construction of structures.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance (11-Aug-2016).pdf</a></p>

**GP 5. BOAT RAMPS AND MARINE RAILWAYS (Sections 10 & 404; tidal and non-tidal waters of the U.S.)**

Activities required for the construction of boat ramps and marine railways, including excavation and fill.

**Not authorized under GP 5:** (a) Permanent and temporary fill >3 acres of non-tidal waters and/or wetlands; (b) permanent and temporary loss > 1 acre in tidal waters, (c) permanent and temporary loss to tidal SAS and areas containing shellfish; (d) dredging in navigable waters of the U.S.

**Self-Verification (SV) (Minimum)**

**Pre-Construction Notification (PCN) Required (Minor/Major)**

**Tidal Waters (Section 10 & 404)**

No new or previously unauthorized fills.

**Non-Tidal Waters (Sections 10 & 404)**

<3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).

Timber mats of any area to conduct activities provided that they are removed as soon as work is completed and shall be in place no longer than one growing season.

This category excludes:

- Dams, dikes, or activities involving water diversions.
- Work in EFH waters
- Work in special aquatic sites (SAS) and special wetlands.
- Work on Corps properties & Corps-controlled easements.

Work not eligible for SV (Minimum)

**Tidal Waters (Section 10)**

Fill area  $\leq 1$  acre waterway fill and secondary waterway impacts (e.g., areas drained, flooded, cleared, or fragmented). Excludes work in SAS and areas containing shellfish.

Timber mats  $\leq 1$  acre necessary to conduct activities provided that they are removed as soon as work is completed.

**Note:** All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:

[http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisditionalLimits/SubmergedAquaticVegetationSurveyGuidance\(11-Aug-2016\).pdf](http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisditionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf)

**Non-Tidal Waters (Section 404)**

Fill area  $\geq 3,000$  SF to  $\leq 3$  acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).



**GP 6. UTILITY LINE ACTIVITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)**

Activities required for: (a) The construction, maintenance, relocation, repair, & removal of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for utility lines. This GP includes but is not limited to utility lines such as electric, water, oil, sewer, gas or cable; (b) The construction, maintenance or expansion of utility line substation and other appurtenant facilities associated with an electric line, gas line or other utility line in non-tidal waters; and (c) The construction and maintenance of foundations for overhead utility line towers, poles, and anchors provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where practicable, considering system reliability and other factors. This GP includes, but is not limited to, utility lines such as: electric, water, oil, sewer, gas or cable. Activities including excavation, bedding and backfill, outfall and intake structures, and associated facilities within Corps jurisdiction. This GP authorizes the construction of access roads to facilitate construction of the above activities provided the activity, in combination with all other activities are included in one single and complete project, does not cause the permanent loss  $\geq$  3 acres of non-tidal waters of the U.S. Impacts resulting from mechanized pushing, dragging or other similar activities that redeposit excavated soil material shall be figured into the area limit determination.

**Not authorized under GP 6:** (a) Permanent and temporary loss  $>3$  acres of non-tidal waters and/or wetlands, (b) permanent and temporary loss  $>1$  acre in tidal waters; or (c) blasting or storage of equipment in wetlands (d) new utility line construction requiring a permanent or temporary loss to tidal SAS and areas containing shellfish. (e) No storage of equipment in wetlands.

**Note:** The Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire (DRED) is to be followed for any utility project

<http://www.nhdfl.org/library/pdf/Publications/DESUtilityBMPprev3.pdf>

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor/Major)
<p><b>Tidal and Non-Tidal Navigable Waters (Section 10 &amp; 404)</b></p> <p>No fill in tidal or navigable waters.</p> <p><b>Non-Tidal, Non-Navigable Waters (Section 404)</b></p> <p><math>&lt; 3,000</math> SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season..</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters</li> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> <li>• Work on Corps properties &amp; Corps-controlled easements.</li> </ul>	<p>Work not eligible for SV (Minimum).</p> <p><b>Tidal and Non-Tidal Navigable Waters (Section 10 &amp; 404)</b></p> <p>Fill in tidal or navigable waters</p> <p>Timber mats <math>\leq 1</math> acre necessary to conduct activities. Mats should be removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal, Non-Navigable Waters (Section 404)</b></p> <p>Installation of new, permanent culvert crossings of perennial streams.</p> <p><math>3,000</math> SF to <math>\leq 3</math> acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.</p> <p><b>Note:</b> All special wetlands on the property shall be delineated using Federal delineation methods. The Corps may waive this requirement on a case-by-case basis after consultation with NHDES.</p>

**GP 7. DREDGING (Section 10; navigable waters of the U.S.), TRANSPORT & DISPOSAL OF DREDGED MATERIAL (Sections 10, 404 & 103; tidal waters of the U.S.), BEACH NOURISHMENT (Sections 10 & 404; tidal and non-tidal waters of the U.S.), ROCK REMOVAL (Section 10, navigable waters of the U.S.), and ROCK RELOCATION (Sections 10 & 404; tidal and non-tidal waters of the U.S)** New dredging and maintenance dredging, including: a) Disposal of dredged material at a confined aquatic disposal, beach nourishment, near shore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; (b) Beach nourishment not associated with dredging; (c) Rock removal and relocation for navigation.

**Not authorized under GP 7:** (a) new dredging where the primary purpose is sand mining for beach nourishment; (b) Beach scraping; (c) Rock removal and relocation for navigation >1/2 acre; (d) blasting; or (e) permanent and temporary loss to tidal SAS and areas containing shellfish.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor/Major)
<p><b>Tidal and Non-Tidal Navigable Waters (Sections 10 &amp; 404)</b></p> <p>No tidal dredging except for maintenance of intakes/outfalls by divers with suction equipment.</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Dredging between Nov 15-Mar 15.</li> <li>• No impacts to SAS or areas containing shellfish.</li> <li>• Upland disposal.</li> </ul> <p>For non-tidal Federally-designated navigable waters, maintenance dredging of any area &lt; 3,000 SF. Includes return water from upland contained disposal area.</p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Boulder relocation impacting &lt;3,000 SF within lakes and ponds</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Navigable Waters (Sections 10, 103 &amp; 404)</b></p> <p>For tidal waters, maintenance dredging and new dredging ≤20,000 SF (may be mechanical or hydraulic dredging).</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Dredging &amp; disposal operation limited to Nov 15-Mar 15.</li> <li>• No impacts to SAS or areas containing shellfish.</li> <li>• Disposal includes:               <ol style="list-style-type: none"> <li>1. upland disposal;</li> <li>2. near shore disposal or beach nourishment of any size provided the primary purpose of the dredging is navigation; or</li> <li>3. open water &amp; confined aquatic disposal cells (CAD cells), if Corps, in consultation with Federal and State agencies, finds the material suitable.</li> </ol> </li> </ul> <p>For non-tidal Federally-designated navigable waters, maintenance dredging of any area ≥3,000 SF or new dredging of any area. Includes return water from upland contained disposal area.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p> <p><b>Note:</b> The Corps may waive or adjust the time of year requirement on a case-by-case basis after consultation with the NHDES and NH Fish &amp; Game.</p>



**GP 8. DISCHARGES OF DREDGED OR FILL MATERIAL INCIDENTAL TO THE CONSTRUCTION OF BRIDGES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** 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, approach fills, and temporary construction and access fills. Provided the USCG authorizes the construction of the bridge structure under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws in tidal Section 10 and 404 navigable waters. A USCG Authorization Act Exemption or a STURRA (144h) exemption do not constitute USCG authorization.

**Not authorized under GP 8 are:** (a) permanent and temporary loss >1 acre in tidal waters, and (b) permanent and temporary fill in tidal SAS and areas containing shellfish for new construction, and (c) permanent and temporary loss ≥3 acres in non-tidal waters.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
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**Tidal & Navigable Waters (Section 10 & 404)**

No work in tidal wetlands and waters

**Non-Tidal Waters (Section 404)**

<3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented)

Stream crossings conform with the NH Stream Crossing Guidelines and this document’s general conditions.

- In-stream work limited to Jul 15-Oct 1.
- Culverts at waterbody crossings preserve hydraulic capacity, at its present level, between the wetlands on either side of the road.

Excludes:

- Open trench excavation in flowing waters.
- Work in SAS, EFH waters and special wetlands.
- Work on Corps properties & Corps-controlled
- Easements
- Causeways and approach fills

**Note:** Construction (timber) mats of any area necessary to conduct activities for new and maintenance work, mats should be removed as soon as work is completed and shall be in place for no longer than one growing season.

Work not eligible for SV (Minimum)

**Tidal and Navigable Waters (Sections 10 & 404)**

Causeways and approach fills

**Note:** All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:

[http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance\(11-Aug-2016\).pdf](http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf)

**Note:** timber mats ≤ 1 acre necessary to conduct activities for new and maintenance work, mats should be removed as soon as work is completed.

**Non-Tidal Waters (Section 404)**

3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented)

All special wetlands within the project area shall be delineated. Corps may waive this requirement on a case-by-case basis in consultation with the NHDES.

Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed

**Note:** The Corps may waive or adjust the time of year requirement on a case-by-case basis after consultation with the NHDES and NH Fish & Game for Tidal and Non-tidal Waters (Section 10 & 404) .

**GP 9. SHORELINE AND BANK STABILIZATION PROJECTS (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Includes, but is not limited to breakwaters, bulkheads, seawalls, riprap, revetments/slope protection and similar structures as well as vegetative planting, soil bioengineering or alternative techniques that are a combination of the two specifically for the purpose of shoreline protection (e.g. living shorelines).

**Not authorized under GP 9:** (a) Non-tidal bank stabilization projects >500 LF in total length including both stream banks; (b) Permanent and temporary loss >1 acre in tidal waters; (c) Stream channelization or relocation activities; (d) Breakwaters, groins and jetties; (e) Permanent and temporary loss to tidal SAV.

**Note:** Soft stabilization measures such as bioengineered fiber roll revetments or equivalent, should be used whenever practicable.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor/Major)
<p><b>Tidal Waters (Section 10 &amp; 404)</b></p> <p>No activities are eligible for SV.</p> <p><b>Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Non-tidal bank stabilization &lt;100 FT long and <math>\leq 1</math> CY of fill per linear foot waterward of the ordinary high water (OHW) and no fill within the streambed beyond the toe of slope of the stream bank.</p> <p>No vertical stone structures or embankments angled steeper than 1H:1V. No new bulkheads.</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place for no longer than one growing season..</p> <p>Provided:</p> <ol style="list-style-type: none"> <li>1) No open trench excavation in flowing waters.</li> <li>2) In-stream work limited to Jul 15-Oct 1.</li> <li>3) No work in SAS, EFH waters and special wetlands.</li> <li>4) No structures angled steeper than 3H:1V allowed.</li> <li>5) Only rough-faced stone or roll revetments allowed.</li> <li>6) No work on Corps properties &amp; Corps-controlled easements</li> <li>7) Stream crossings conform with the NH Stream Crossing Guidelines and this document's general conditions.</li> <li>8) Culverts at waterbody crossings preserve hydraulic capacity, at its present level, between the wetlands on either side of the road.</li> </ol>	<p>Work not eligible for SV (Minimum).</p> <p><b>Tidal Waters (Section 10 &amp; 404)</b></p> <p>All activities in tidal waters.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>The slope of the structure is steeper than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams</p> <p>Non-tidal bank stabilization <math>\geq 100</math> FT long or <math>\geq 1</math> CY per linear foot below OHW and no fill within the streambed beyond the toe of slope of the stream bank.</p> <p>Stream crossings not conforming with the NH Stream Crossing Guidelines.</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed</p> <p><b>Note:</b> All special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES.</p>

**GP 10. AQUATIC HABITAT RESTORATION, ESTABLISHMENT & ENHANCEMENT ACTIVITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Activities in waters of the U.S. associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal streams & associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; 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.

**Not authorized under GP 10:** Artificial reefs.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p><b>Tidal Waters (Section 10 &amp; 404)</b></p> <p>Pro-active salt marsh restoration impacts <math>\leq</math> 3,000 SF for the purposes of restoring subsiding marsh surfaces and dieback areas.</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• new ditching to eliminate mosquito breeding habitat</li> <li>• fill for purposes of converting marsh to upland</li> <li>• Placement of seed shellfish, spatted-shell or cultch for the restoration or enhancement of existing, publicly-managed, non-commercial recreational areas containing shellfish.</li> <li>•</li> </ul> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Fill area <math>\leq</math> 3,000 SF of inland waterway and/or wetland fill (permanent and temporary) provided the activity is supported in writing by a local, state, or non-Corps Federal environmental resource management agency.</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in SAS other than wetlands, and work in special wetlands.</li> <li>• Work on Corps properties &amp; Corps-controlled easements</li> <li>• Conversions of wetlands to open water</li> <li>• Stream channelization</li> </ul> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place for no longer than one growing season...</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Section 10)</b></p> <p>Projects with proactive restoration (SAS, anadromous fish runs, areas containing shellfish, etc.) as a primary purpose with impacts <math>&gt;</math> 3,000 SF.</p> <p>Placement of seed shellfish, spatted-shell or cultch for the restoration or enhancement of existing, publicly-managed, non-commercial recreational areas containing shellfish.</p> <p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Aquatic habitat restoration, establishment, and enhancement of tidal wetlands and riparian areas provided those activities are proactive and result in net increases in aquatic resource functions and services as decided by the Corps.</p> <p>Integrated Marsh Management for combined wetland enhancement and mosquito control.</p> <p>Dam removals</p> <p><b>Note:</b> For all waters above, all SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Pond or lake reestablishment or restoration</p> <p>Water impoundments</p> <p>Projects with proactive restoration as a primary purpose with impacts of any size.</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.</p>

**GP 11. FISH & WILDLIFE HARVESTING, ENHANCEMENT AND ATTRACTION DEVICES AND ACTIVITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Activities in waters of the U.S. associated with fish and wildlife harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). Impoundments and semi-impoundments of waters of the U.S. for the culture and holding of motile species such as lobster.

**Not authorized under GP 11:** (a) Artificial reefs; (b) Devices and activities in Federal Navigation Channels (c) Permanent and temporary loss >1 acre in tidal waters; (d) Shellfish dredging, either mechanical or hydraulic in SAS; (e) 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; or (f) New fish weirs with an impoundment area >1/2 acre.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Activities associated with fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, shellfish seeding, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). Provided there is no hazard to navigation.</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Impoundments or semi-impoundment of water, fish aggregating devices, or small fish attraction devices;</li> <li>• Permanent impacts to special aquatic sites (SAS) (e.g., vegetated shallows)</li> <li>• Devices and activities located in SAS</li> <li>• Devices and activities located in Federal Anchorage Projects</li> </ul>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impounded area ≤1/2 acre, fish aggregating devices, or small fish attraction devices.</p> <p>Devices and activities located in tidal SAS, including salt marsh and SAV</p> <p>Devices and activities located in Federal Anchorage Projects</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>

**GP 12. OIL SPILL AND HAZARDOUS MATERIAL CLEANUP (Sections 10 & 404; tidal and non-tidal 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 activities are done under either (i) The Spill Prevent, Control & Countermeasure Plan require by 40 CFR 112.3; (ii) The direction or oversight of the Federal on-site 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 tidal waters. d. Use of structures & fills for spill response training exercises. Special Aquatic Sites (SAS) must be restored in place to pre-impact elevations.

**Not authorized under GP 12:** Permanent structures or impacts.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor / Major)</b>
<p><b>Tidal and Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>1. 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:</p> <ul style="list-style-type: none"> <li>• The Spill Prevention, Control and Countermeasure Plan required by 40 CFR 112.3; or</li> <li>• The direction or oversight of the Federal on-site coordinator designated by 40 CFR 300; or</li> </ul> <p>2. 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.</p> <p>3. Booms placed in navigable waters for hazardous and toxic waste containment, absorption and prevention, provided they are removed upon completion of the cleanup.</p> <p>4. No spill response training exercises requiring structures of fill in tidal waters.</p> <p><b>Note:</b> For the above activities in tidal waters, the permittee must contact the Corps at (978) 318-8338 before or as soon as possible after the work in SV #1, 2 or 3 above commences for the Corps to address the effects under the Federal Endangered Species Act. This does not apply to clean booms used for spill prevention, or properly contained and cleaned non-emergency oil or hazardous substance discharges.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Temporary structures or impacts for spill response training exercises.</p> <p>The activity is planned or scheduled, not an emergency response, within Corps jurisdiction.</p> <p>Specific activities with impacts of any area or cubic yardage required affecting the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority may be reviewed as a Minor/Major Impact project. SAS and areas containing shellfish must be restored in place. Corps may waive this requirement on a case-by-case basis in consultation with the NHDES.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>



**GP 13. CLEANUP OF HAZARDOUS AND TOXIC WASTE (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Specific activities 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.

**Not authorized under GP 13:** (a) the establishment of new disposal sites; or (b) the expansion of existing sites used for the disposal of hazardous or toxic waste.

**Note:** 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 Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor/Major)
<p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Booms placed in navigable waters for oil and hazardous substance containment, absorption and prevention, provided they are removed upon completion of the cleanup. The permittee must contact the Corps at (978) 318-8338 before or as soon as possible after the work commences for the Corps to address the effects under the Federal Endangered Species Act. This does not apply to clean booms used for spill prevention.</p> <p>≤3,000 SF of permanent and temporary fill in non-tidal waters and wetlands.</p> <p>This GP excludes dredging in tidal waters</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>The activity occurs in tidal waters.</p> <p>Work in navigable waters of the US other than booms placed for hazardous and toxic waste containment, absorption, and prevention.</p> <p>&gt;3,000 SF of permanent and temporary fill in non-tidal waters and wetlands.</p> <p>Specific activities with impacts of any area or cubic yardage required affecting the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority may be reviewed as a Minor/Major Impact project. SAS and areas containing shellfish must be restored in place. Corps may waive this requirement on a case-by-case basis in consultation with the NHDES.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>

**GP 14. SCIENTIFIC MEASUREMENT DEVICES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)**

Scientific devices 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 temporary weirs and flumes constructed primarily to record water quantity and 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.

**Not authorized under GP 14:** (a) permanent and temporary loss >3 acres in non-tidal waters and wetlands; and (b) permanent and temporary loss >1 acre in tidal waters; and (c) permanent loss to tidal SAS and areas containing shellfish.

**Self-Verification (SV) (Minimum)**

**Pre-Construction Notification (PCN) Required (Minor/Major)**

**Tidal and Non-Tidal Waters (Section 10 & 404)**

Temporary, non-biological sampling devices in waters of the U.S. that do not restrict or concentrate movement of aquatic organisms and will not adversely affect the course, condition or capacity of a waterway for navigation.

Scientific measurement devices, and small weirs and flumes constructed primarily to record water quantity and velocity provided the discharge of fill is limited to 10 cubic yards. No work may restrict movement of aquatic species or potentially threaten to impact or entangle sea turtles or marine mammals in near-coastal waters.

Work not eligible for SV (Minimum)

**Tidal Waters (Section 10)**

Permanent and temporary impacts occur in tidal waters of the U.S provided permanent loss  $\leq 1$  acre.

Biological sampling devices, weirs or flumes.

**Note:** All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: [http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance\(11-Aug-2016\).pdf](http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf)

**Tidal and Non-Tidal Waters (Section 10 & 404)**

Permanent devices in tidal and non-tidal waters

**Non-Tidal Waters (Section 404)**

Permanent or temporary fill area  $\geq 3,000$  SF to  $\leq 3$  acres in non-tidal

**GP 15. SURVEY ACTIVITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching and historic resources surveys.

**Not authorized under GP 15:** (a) Permanent and temporary loss >3 acres of non-tidal waters and/or wetlands, and (b) permanent and temporary loss >1 acre in tidal waters, (c) permanent loss to tidal SAS and areas containing shellfish.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p><b>Tidal and Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>No permanent structures or drilling and discharge of excavated material from test wells for oil and gas exploration allowed.</p> <p>No fill in tidal wetlands and waters.</p> <p>No seismic exploratory operations in tidal waters.</p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Impacts ≤3,000 SF in non-tidal waters and wetlands.</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Section 10)</b></p> <p>Permanent and temporary fill area ≤1 acre in tidal waters.</p> <p>Seismic exploratory operations occur in tidal waters.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Fill area ≥3,000 SF to ≤3 acres in non-tidal waters and wetlands</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed</p>



**GP 16. AQUACULTURE PROJECTS AND FISHERIES (Sections 10 and 404, navigable waters of the US)**

No shellfish dredging, including mechanical or hydraulic in SAS, including SAV, no placement of cultch in beds of SAV. Depth of cultch or spatted-shell limited to the minimum necessary for full coverage of the framed bed bottom & must not result in visible degradation of habitat for other aquatic resources. All structures must be marked in conformance with applicable NH State and or U.S. Coast Guard Aids to Navigation.

**Not authorized under GP 16 are:** Permanent and temporary loss in tidal SAS and areas containing shellfish, including Submerged Aquatic Vegetation

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Tidal Waters (Section 10)</b></p> <p>Suspended cages or nets located wholly below and within the footprint of an existing authorized fixed or floating structure provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at mean low water.</p> <p>Aquaculture projects that don't exceed 1,000 SF in area, aren't located in SAS or intertidal areas, culture only indigenous species, use only "transient gear" type cages or bottom culture with predator netting, are marked to inform mariners of the location of the gear, have a minimum clearance of 3 FT between the top of the gear and the elevation of MLW in areas where the elevation of the sea floor is above Elevation – 15 FT MLW, have a minimum clearance of 10 FT between the top of the gear and the elevation of MLW in areas where the elevation of the sea floor is equal to or below Elevation –15 FT MLW, and have been reviewed and approved in writing by the NH DES and NH Fish &amp; Game.</p> <p>Aquaculture projects that are SV (Minimum) eligible shall provide to the Corps:</p> <ol style="list-style-type: none"> <li>1. A copy of their NH State application and NH Fish and Game license number and state plane coordinates of the facility boundary in feet or meters.</li> <li>2. Documentation that the applicant has coordinated with the US Coast Guard specifically regarding USCG Private Aids to Navigation standards.</li> <li>3. Documentation that they contacted their local harbormaster and/or the Pease Development Authority, Division of Ports and Harbors (<a href="http://www.portofnh.org">www.portofnh.org</a>) for authorization of their facility.</li> </ol>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Section 10)</b></p> <p>Vertical-drop longlines for the culture of shellfish or other marine organisms, such as kelp and seaweed.</p> <p>Cages, trays, racks, netting or other structures on the ocean bottom or floating on the water surface for the rearing or depuration of cultured shellfish.</p> <p>Research, educational or experimental aquaculture gear for indigenous species that exceed &gt;1,000 SF.</p> <p>Activities that involve a change from authorized gear for bottom culture to floating or suspended gear.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance(11-Aug-2016).pdf</a></p> <p><b>Tidal and Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Installation of intake and discharge structures for a land-based hatchery.</p>

**GP 17. NEW/EXPANDED RESIDENTIAL & COMMERCIAL DEVELOPMENTS & RECREATIONAL FACILITIES (Section 404, non-tidal waters of the U.S.)** Discharges of dredged or fill material for the construction or expansion of developments and/or recreational facilities. Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation.

**Not authorized under GP 17:** (a) Permanent and temporary loss > 3 acres in non-tidal waters and wetlands; (b) subsurface sewerage disposal systems in waters of the U.S.; and (c) New roadway and driveway crossings in non-tidal waters and/or wetlands.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented). Fill area includes all temporary and permanent fill, and certain excavation discharges (except for incidental fallback).</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in EFH waters</li> <li>• Work in special aquatic sites (SAS) other than wetlands, and work in special wetlands.</li> <li>• Work on Corps properties &amp; Corps-controlled easements</li> <li>• Stormwater treatment or detention systems.</li> </ul> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented)</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>

**GP 18. ENERGY GENERATION, RENEWABLE ENERGY GENERATION AND HYDROPOWER FACILITIES (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** 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 energy generation & renewable energy pilot & production facilities, including attendant features; (b) Water-based energy generation, wind or hydrokinetic renewable energy generation pilot & production projects and their attendant features; and (c) Discharges of dredged or fill material associated with hydropower projects. 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. Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable

**Not authorized under GP 18:** (a) permanent and temporary loss >1 acre in tidal waters; or (b) permanent and temporary loss in tidal special aquatic sites (SAS) and areas containing shellfish.

**Note:** For the purposes of this GP, the term “pilot project” means an experimental project where the renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p><b>Tidal and Non-Tidal Navigable Waters (Section 10 &amp; 404)</b></p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions</li> <li>• Work in SAS and EFH waters</li> <li>• Work in tidal waters or navigable waters of the U.S.</li> <li>• Production facilities</li> </ul> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p> <p>Timber mats of any area necessary to conduct activities provided mats are be removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal and Non-Tidal Navigable Waters (Section 10)</b></p> <p>The activity occurs in tidal waters or navigable waters of the U.S.</p> <p>Timber mats of any area necessary to conduct activities provided mats are be removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged Aquatic Vegetation Survey Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p>

**GP 19. MINING ACTIVITIES (Sections 10 & 404; non-tidal waters of the U.S.)** Discharges of dredged or fill material into non-tidal waters and wetlands for mining activities.

**Not authorized under GP 19:** (a) Permanent and temporary fill > 3 acres of non-tidal waters and/or wetlands, and (b) no permanent and temporary loss in tidal waters.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented)</p> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Dams, dikes, or activities involving water diversions.</li> <li>• Work in SAS other than wetlands, and work in special wetlands.</li> <li>• Activities in streams.</li> <li>• Work on Corps properties &amp; Corps-controlled easements</li> <li>• Stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams</li> </ul> <p>Timber mats of any area necessary to conduct activities for new and maintenance work provided mats are be removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p>3,000 SF to ≤3 acres waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p> <p>Activities in streams including stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams.</p> <p>Timber mats of any area necessary to conduct activities for new and maintenance work provided mats are be removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>

**GP 20. TEMPORARY FILL NOT ASSOCIATED WITH A PROJECT WITHIN CORPS**

**JURISDICTION (Sections 10 & 404; non-tidal waters of the U.S.)** Temporary discharges, such as sandbag/earth cofferdams, access fills, etc., necessary for construction activities or dewatering of construction sites.

**Not authorized under GP 20:** (a) temporary loss >3 acres for projects not using timber mats in non-tidal waters and/or wetlands; or (b) temporary loss to tidal special aquatic sites (SAS) and areas containing shellfish.

<b>Self-Verification (SV) (Minimum)</b>	<b>Pre-Construction Notification (PCN) Required (Minor/Major)</b>
<p>Fill area <math>\leq</math>3,000 SF of temporary inland waterway and/or wetland fill provided temporary discharges are in place for &lt;1 growing season.</p> <p>This category excludes:</p> <ul style="list-style-type: none"><li>• Dams, dikes, or activities involving water diversions.</li><li>• Work in EFH waters</li><li>• Work in SAS special wetlands.</li><li>• Work on Corps properties &amp; Corps-controlled Easements</li></ul> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p>

**GP 21. AGRICULTURAL ACTIVITIES (Sections 10 & 404; non-tidal waters of the U.S.)** Discharges of dredged or fill material in non-tidal waters of the U.S. for agricultural activities with impact to non-tidal waters and wetlands such as pads for barn/greenhouse, mechanized land clearing, land leveling and installation of drainage tiles for irrigation. Also includes the relocation or modification of existing, serviceable drainage ditches in wetlands and farm ponds not meeting the exemption.

**Not authorized under GP 21:** (a) aquaculture fish ponds in waters of the U.S, or (b) permanent and temporary loss to tidal SAS and areas containing shellfish.

**Note:** Some discharges for agricultural activities may qualify for an exemption under Section 404(f)(1) of the Clean Water Act (see 33 CFR 323.4). GP 21 is intended to cover those agricultural discharges that do not qualify for agricultural exemption and/or are subject to the recapture provision under section 404(f)(2) of the Act.

**Self-Verification (SV) (Minimum)**

<3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented)

This category excludes:

- Dams, dikes, or activities involving water diversions.
- Work in vegetated shallows or riffle and pool complexes, and work in special wetlands.
- Work on Corps properties & Corps-controlled easements
- Construction of farm ponds in perennial streams.

Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.

**Pre-Construction Notification (PCN) Required (Minor/Major)**

Work not eligible for SV (Minimum)

Work that does not qualify for exemption under Section 404(f) of the Clean water Act.

Permanent and temporary impacts are  $\geq 3000$  SF to  $\leq 3$  acres in non-tidal waters and wetlands or will impact non-tidal SAS, other than non-tidal wetlands.

New drainage ditches in wetlands.

Stream channelization, relocation, impoundments, loss of streambed or farm ponds in non-perennial streams.

The activity causes turbidity or sediment suspension in non-tidal streams

Construction of farm ponds not meeting the Section 404(f)(1) exemption

Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.

**Note:** All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:

[http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance\(11-Aug-2016\).pdf](http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/SubmergedAquaticVegetationSurveyGuidance(11-Aug-2016).pdf)

**GP 22. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED OR GRANDFATHERED DAMS (Section 10 & 404; tidal and non-tidal waters of the U.S.)** Repair, rehabilitation, or replacement of any previously authorized, currently serviceable dam. 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 authorized.

**Not authorized by GP 22:** (a) permanent and temporary loss >1 acre in tidal waters; (b) permanent loss to tidal SAS and areas containing shellfish.

**Notes:** (a) Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). (b) The State's maintenance provisions differ from the Corps and may require written authorization from the State, even though it's not required from the Corps. For example, the state **does not** grandfather wetland fill.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Tidal &amp; Non-Tidal Waters (Section 10 &amp; 404)</b></p> <p>Repair, replacement in-kind, or maintenance of existing, currently serviceable, authorized dams:</p> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed.</li> <li>• The repair, rehabilitation, or replacement of those dams destroyed or damaged by storms, floods, or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> </ul> <p>This category excludes:</p> <ul style="list-style-type: none"> <li>• Work in SAS, EFH and areas containing shellfish</li> </ul> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Repair/maintenance of existing, currently serviceable, authorized dams with an expansion or a change in use ≤3000 SF</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply</li> <li>• Minor deviations in fill design allowed.</li> </ul> <p>Timber mats of any area necessary to conduct activities for new and maintenance work provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.</p>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Section 10)</b></p> <p>Repair/maintenance of currently serviceable authorized dams with expansion or a change in use ≤1 acre.</p> <p>Repair/maintenance of currently serviceable authorized dams w/expansion where the structure (existing + expansion) qualifies as a PCN (Minor/Major) Impact.</p> <p>Replacement of non-serviceable authorized dams w/expansion where the structure (existing + expansion) qualifies as a PCN (Minor/Major) Impact.</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at:  <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p> <p><b>Tidal and Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>Dam and flood control or levee repairs that will alter water levels or flood elevations.</p> <p>Discharges of more than de minimus quantities of accumulated bottom sediments from or through a dam.</p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Repair/maintenance of existing, currently- serviceable, authorized dams, with an expansion or a change in use ≥3000 SF and ≤3 acres.</p> <p>Replacement of non-serviceable authorized dams ≥3000 SF and ≤3 acres.</p> <p>Timber mats of any area necessary to conduct activities for new and maintenance work provided mats are removed as soon as work is completed</p>



**GP 23. WETLAND, STREAM, RIVER & BROOK CROSSINGS (Sections 10 & 404; tidal and non-tidal waters of the U.S.)** Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, bridges, railways, trails, airport runways, pipelines and taxiways) and attendant features, provided that work is performed in accordance with New Hampshire Stream Crossing Best Management Practices to the maximum extent practicable.

**Not authorized under GP 23:** (a) Permanent and temporary loss for any single and complete projects that are  $\geq 3$  acres in non-tidal waters and wetland; or (b) Permanent & temporary loss for any single and complete new construction projects in tidal SAS and areas containing shellfish.

Self-Verification (SV) (Minimum)	Pre-Construction Notification (PCN) Required (Minor / Major)
<p><b>Tidal Waters (Section 10 &amp; 404)</b></p> <p>No work in tidal waters</p> <p><b>Non-Tidal Waters (Sections 10 &amp; 404)</b></p> <p>&lt;3,000 SF of waterway and/or wetland fill and secondary impacts, (e.g., areas drained, flooded, cleared, excavated or fragmented).</p> <p>Stream crossings conform with the NH Stream Crossing Guidelines and general conditions of this document.</p> <ul style="list-style-type: none"> <li>• In-stream work limited to Jul 15-Oct 1.</li> <li>• Culverts at waterbody crossings preserve hydraulic capacity to maintain the sediment transport and aquatic organism passage, at its present level, between the wetlands on either side of the road.</li> </ul> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one growing season.</p> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• Open trench excavation in flowing waters.</li> <li>• Work in SAS, special wetlands and EFH.</li> <li>• Work on Corps properties &amp; Corps-controlled easements</li> </ul>	<p>Work not eligible for SV (Minimum)</p> <p><b>Tidal Waters (Section 10)</b></p> <p>Repair and maintenance of an existing tidal crossing with impacts <math>\leq 1</math> acre</p> <p><b>Note:</b> All SAS and areas containing shellfish within the project area shall be delineated by survey. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES. SAV survey guidance is available at: <a href="http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf">http://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf</a></p> <p><b>Non-Tidal Waters (Section 404)</b></p> <p>Permanent and temporary impacts for any single and complete projects that are <math>\leq 3</math> acres in non-tidal waters and wetlands</p> <p>Timber mats of any area necessary to conduct activities provided mats are removed as soon as work is completed.</p> <p><b>Note:</b> All SAS &amp; special wetlands within the project area shall be delineated. The Corps may waive this requirement on a case-by-case basis after consultation with the NHDES.</p>





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## Appendix B

### **Regional General Permits (GPs) Required Information and Corps Secondary Impacts Checklist**

In order for the Corps of Engineers to properly evaluate your application, applicants must submit the following information along with the New Hampshire DES Wetlands Bureau application or permit notification forms. Some projects may require more information. For a more comprehensive checklist, go to [www.nae.usace.army.mil/regulatory](http://www.nae.usace.army.mil/regulatory), “Forms/Publications” and then “Application and Plan Guideline Checklist.” Check with the Corps at (978) 318-8832 for project-specific requirements. For your convenience, this Appendix B is also attached to the State of New Hampshire DES Wetlands Bureau application and Permit by Notification forms.

#### **All Projects:**

- Corps application form ([ENG Form 4345](#)) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11”x17” with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
- Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don’t use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean lower low water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
- Horizontal state plane coordinates in U.S. survey feet based on the Traverse Mercator Grid system for the State of New Hampshire (Zone 2800) NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site,;
- Use Federal delineation methods and include Corps wetland delineation data sheets. See GC 2 and [www.nero.noaa.gov/hcd](http://www.nero.noaa.gov/hcd) for eelgrass survey guidance.
- GP 3, Moorings, contains eelgrass survey requirements for the placement of moorings.
- For activities involving discharges 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, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.



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**New Hampshire General Permits (GPs)  
Appendix B - Corps Secondary Impacts Checklist  
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to “work” include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See <a href="http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm">http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm</a> to determine if there is an impaired water in the vicinity of your work area.*		
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?		
2.2 Are there proposed impacts to SAS, special wetlands. Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) DataCheck Tool for information about resources located on the property at <a href="https://www2.des.state.nh.us/nhb_datacheck/">https://www2.des.state.nh.us/nhb_datacheck/</a> . The book <a href="#">Natural Community Systems of New Hampshire</a> also contains specific information about the natural communities found in NH.		
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage?		
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)		
2.5 The overall project site is more than 40 acres?		
2.6 What is the area of the previously filled wetlands?		
2.7 What is the area of the proposed fill in wetlands?		
2.8 What is the % of previously and proposed fill in wetlands to the overall project site?		
3. Wildlife	Yes	No
3.1 Has the NHB & USFWS determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require an NHB ID number & a USFWS IPAC determination.) NHB DataCheck Tool: <a href="https://www2.des.state.nh.us/nhb_datacheck/">https://www2.des.state.nh.us/nhb_datacheck/</a> USFWS IPAC website: <a href="https://ecos.fws.gov/ipac/location/index">https://ecos.fws.gov/ipac/location/index</a>		

3.2 Would work occur in any area identified as either “Highest Ranked Habitat in N.H.” or “Highest Ranked Habitat in Ecological Region”? (These areas are colored magenta and green, respectively, on NH Fish and Game’s map, “2010 Highest Ranked Wildlife Habitat by Ecological Condition.”) Map information can be found at: <ul style="list-style-type: none"> <li>• PDF: <a href="http://www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm">www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm</a>.</li> <li>• Data Mapper: <a href="http://www.granit.unh.edu">www.granit.unh.edu</a>.</li> <li>• GIS: <a href="http://www.granit.unh.edu/data/downloadfreedata/category/databycategory.html">www.granit.unh.edu/data/downloadfreedata/category/databycategory.html</a>.</li> </ul>		
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		
3.5 Are stream crossings designed in accordance with the GC 21?		
<b>4. Flooding/Floodplain Values</b>	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		
<b>5. Historic/Archaeological Resources</b>		
For a minimum, minor or major impact project - a copy of the Request for Project Review (RPR) Form ( <a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) with your DES file number shall be sent to the NH Division of Historical Resources as required on Page 11 GC 8(d) of the GP document**		

\*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

\*\* If your project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.

## Appendix C Definitions / Terminology

**Boating Facilities:** Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.

**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. Must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

**Cumulative Impacts:** The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

**Direct Impacts:** Effect caused by the proposed action and occurring at the same time and place. (40 CFR 1508.7)

**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 are comprised of Corps Federal anchorages, Federal channels and Federal turning basins. Information, including the limits, is provided at <http://www.nae.usace.army.mil/Missions/Navigation.aspx>

**FNP Buffer Zone:** The buffer zone of a Corps FNP is equal to three times the authorized depth of the FNP.

**Floodplain:** shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. (Executive Order 11988)

**Height: Width Ratio:** The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support beam.

**Historic Resources:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

**Incidental Fallback:** Incidental fallback is the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the United States when such material falls back to substantially the same place as the initial removal. (33 CFR 323.2(d)(2)(ii))

**Indirect Impacts (NEPA)** – Effects which are caused by the action that are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8).

**Loss of waters of the United States:** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects 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. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

**Living Shoreline:** A term used to describe a combination of mostly naturally derived materials including plants, shell and rock or manufactured rock-like surfaces that are used along a shoreline exhibiting erosion to dissipate wave energy and to collect naturally deposited sediment.

**Maintenance:** Maintenance does not include any modification that changes the character, scope, or size of the original fill design.

**Maintenance Dredging:** Includes areas and depths previously dredged and authorized by the Corps. Proof of authorization is required. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Maintenance dredging is conducted regularly for navigational purposes (typically at least every ten years) and does not include any expansion of the previously dredged area or depth. 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: Includes dredging proposed in previously un-dredged areas and/or in areas exceeding previously authorized dimensions (deeper or wider than previously authorized) excluding normal overdredge.

**Pre-construction notification (PCN):** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by any of 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. Pre-construction 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 one or more of the GPs.

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

**Areas Containing Shellfish:** areas containing shellfish (open or closed) used for recreation harvest as designated by the NH Fish and Game Department. Maps of these areas containing shellfish are located at: [www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf](http://www.nae.usace.army.mil/reg/NHFGRecreationHarvestShellfishBeds.pdf) .

**Special Aquatic Sites (SAS)** These include inland and saltmarsh wetlands, mud flats, vegetated shallows (submerged aquatic vegetation, SAV), 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.

**Special Wetlands:** These include 1. enriched/calcareous seepage swamps, estuarine wetlands, floodplains, peatlands, and unique basin swamps/marshes 2. all wetlands that provide habitat for threatened or endangered species, and 3. all exemplary wetland natural community occurrences as designated by the NH Natural Heritage Bureau (NHNHB). The wetland types provided in 1 above are expanded below and fully described in Natural Community Systems of New Hampshire and Natural Communities of New Hampshire, which are available at <http://www.nhdfi.org/natural-heritage-and-habitats/>

**Note:** The applicant is required to have NHNHB check the wetland types listed in 2 and 3 of Special wetlands by either requesting a hard copy review or using the DataCheck Tool at [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

**Temporal loss:** The time lag between the losses 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).

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

**Water Diversions:** Water diversions are activities such as bypass pumping 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.

## APPENDIX D

### EFH RIVERS FOR ATLANTIC SALMON

#### MERRIMACK RIVER AND TRIBUTARIES

Allen Brook	Baker Brook	Bennett Brook
Bow Bog Brook	Bow Brook	Bowman Brook
Bradleys Island	Brickyard Brook	Browns Brook
Bryant Brook	Burnham Brook	Cate Brook
Chandler Brook	Chase Brook	Cohas Brook
Cold Brook	Contoocook River	Cross Brook
Dalton Brook	Giles Pond - Salmon Brook	Glines Brook
Hayward Brook	Horseshoe Island	Horseshoe Pond - Naticook Brook
Knox Brook	Little Cohas Brook	Messer Brook
Millstone Brook	<b>Nashua River</b>	Needle Shop Brook
Nesenkeag Brook	<b>Pemigewasset River</b>	Penacook Lake
<b>Piscataquog River</b>	Pointer Club Brook	Punch Brook
Ray Brook	Riddle Brook	Sawmill Brook
Second Brook	Shaw Brook	<b>Soucook River</b>
<b>Souhegan River</b>	<b>South Branch River</b>	Stirrup Iron Brook
<b>Suncook River</b>	Tannery Brook	Turkey River
Watts Brook	Weeks Brook	<b>Winnepesaukee River</b>
Woods Brook		

#### ANDROSCOGGIN RIVER AND TRIBUTARIES

Austin Mill Brook	Bean Brook	Bear Brook
Bog Brook	Cascade Alpine Brook	Chickwolnepy Stream
Clear Stream	Clement Brook	Conner Brook
<b>Dead River</b>	East Brook	Gates Brook
Goose Pond	Horne Brook	Island Brook
Josh Brook	Kidder Brook	Leadmine Brook
Leavitt Stream	Mollidgewock Brook	Moose Brook
Moose Pond	<b>Moose River</b>	Munn Pond
Pea Brook	Peabody Brook	Perkins Brook
<b>Rattle River</b>	Sessions Brook	Smoky Camp Brook
Stearns Brook	Stony Brook	Tinker Brook
Umbagog Lake		

## APPENDIX D (cont.)

### SACO RIVER AND TRIBUTARIES

Albany Brook	Artist Brook	Avalanche Brook
Barlett Brook	<b>Bearcamp River</b>	<b>Beech River</b>
Bemis Brook	Conway Lake	Davis Brook
E.Branch Saco River	Echo Lake	<b>Ellis River</b>
Flume Cascade	Kearsarge Brook	Kendron Brook
Lucy Brook	Mason Brook	Meadow Brook
<b>Mountain Brook</b>	<b>Nancy Brook</b>	<b>Ossipee River</b>
Razor Brook	Rocky Branch	Sawyer River
Sleeper Brook	Swift River	Willey Brook

### COCHECO RIVER & LAMPREY RIVER

**Note:** Rivers and Tributaries that are bolded are specifically included as rivers that are contained in various State and Federal anadromous fish restoration programs and should be the primary focus for Atlantic salmon protections.