



# PUBLIC NOTICE

**US Army Corps  
of Engineers** ®  
New England District

696 Virginia Road  
Concord, MA 01742-2751

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## WORD REVISION FOR THE REISSUANCE OF THE PROPOSED DEPARTMENT OF THE ARMY NEW HAMPSHIRE GENERAL PERMIT (GP)

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby clarifies the federal jurisdictional boundary language and adds a general condition to the proposed statewide New Hampshire General Permit (GP) renewal, pursuant to 33 CFR Part 325.5(c) (1).

You may view the original proposed New Hampshire General Permit on our web site at [www.nae.usace.army.mil/reg/index.htm](http://www.nae.usace.army.mil/reg/index.htm). Click "Public Notices" and then "Proposed Revision and Reissuance of the New Hampshire General Permit". The wording of the proposed New Hampshire General Permit describing federal jurisdictional boundaries changes to:

### **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 or Major Impact Projects) 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.


The additional general condition for the proposed New Hampshire General permit will read:

### **27. 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 27(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.

**Questions:** If you have any questions, please contact Mr. Keddell at (978) 318-8692 or by email at [david.m.keddell@usace.army.mil](mailto:david.m.keddell@usace.army.mil).

  
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Chief, Permits & Enforcement Branch C