



**US Army Corps  
of Engineers®**  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins: June 7, 2016**  
**Comment Period Ends: August 8, 2016**  
**File Number: NAE-2016-00599**  
**In Reply Refer To: Alan R. Anacheke-Nasemann, PWS**  
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## 60-DAY PUBLIC NOTICE

### **PROPOSED REPLACEMENT AND REVISION OF THE DEPARTMENT OF THE ARMY GENERAL PERMITS FOR THE COMMONWEALTH OF MASSACHUSETTS**

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby proposes to replace and revise the state-wide General Permits for the Commonwealth of Massachusetts (GPs for MA), pursuant to 33 CFR Part 325.5(c)(1), with updated GPs. The revisions to the GPs are largely structural and procedural. There are few changes relative to impact thresholds or pre-construction notification (PCN) requirements. The revised GPs will continue to authorize activities subject to the Corps' jurisdiction in waters of the U.S. within the boundaries of, and off the coast of the Commonwealth of Massachusetts, excluding work within the boundaries of Indian tribal lands. The revised document adds a GP entitled "Aquaculture Activities" and deletes the GP entitled "Previously Authorized Activities". We are also revising the GP document to include information concerning projects that are proposed within the boundaries of or which otherwise impact federal projects, including (but not limited to) dikes, levees, flowage easements, anchorages and federal navigation projects. Activities within these areas require a separate authorization from the District Commander, known as a "408 Approval," pursuant to 33 U.S.C. Section 408. The 408 Approval must be in place prior to the issuance of a Corps Regulatory Division permit pursuant to the laws identified below. The period of comment is 60 days, to allow sufficient time for commenters to review the GPs and provide substantive feedback.

The existing MA GPs expire on February 4, 2020. However, we propose to reissue the GPs for five years with a new start date in 2016 or 2017 and an expiration date 5 years later (2021/2022). The revised GPs will continue the expedited review process for activities in the Corps' jurisdiction pursuant to Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research and Sanctuaries Act. This public notice is being issued in accordance with 33 CFR 325.3(b) to coordinate reissuance of the GPs for MA with Federal resource agencies, state agencies and the public.

The existing GPs and their procedures will remain in effect until the effective date of the new GPs. Authorizations issued by the Corps under the existing GPs, prior to the effective date of the new GPs, will remain authorized until the original expiration date (February 4, 2020). Permittees who received written authorization under the existing GPs will not be required to re-apply under the new GPs before February 4, 2020 unless the project proposal is modified to alter the authorized impacts to waters of the United States.

The existing GPs for MA were originally proposed as part of omnibus New England GPs, as indicated in our Public Notice dated July 31, 2014. The New England GPs placed the general permits and their general terms in

one location and state-specific terms in another location. The revision places terms and conditions unique to the Commonwealth of Massachusetts with each GP. In addition, we are proposing to streamline the content of the GPs and their terms and conditions in order to make them more understandable and easier to follow. Finally, we are proposing to relieve permit applicants of the requirement to contact state and Tribal Historic Preservation Officers and the Massachusetts Board of Underwater Archaeological Resources. The Corps will be responsible for the coordination effort upon receipt of a complete application.

Similar to the existing GPs, the revised GPs organize eligible activities into twenty-three (23) activity-specific categories. This was intended to satisfy the requirements of Section 404(e) of the Clean Water Act, which allows the Corps to issue general permits for activities that are similar in nature and will cause only minimal individual and cumulative adverse environmental effects. Identifying specific activities allows the Corps to adequately assess cumulative impacts of permitted activities, as well as fully assess impacts on threatened and endangered species. The proposed GPs retain the function and utility of the existing GPs and are not expected to result in significant substantive changes to how activities in waters of the U.S. are regulated in the Commonwealth of Massachusetts.

All authorizations under the GPs would be subject to the applicability requirements, procedures, and conditions contained in the GP document and any additional written authorization. Project eligibility under these GPs will fall into two categories: Self-Verification (SV) or Pre-Construction Notification (PCN) required, as more fully described in the GP document. Individual authorizations under the GPs are not valid until all other required Federal authorizations and state certifications are obtained.

Projects with minimal individual and cumulative effects on the aquatic environment will be approved administratively under these GPs. Representatives of the Corps, state agencies and the Federal resource agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Marine Fisheries Service) will continue to review those activities requiring a Preconstruction Notification to the Corps as outlined within the GPs. Projects that do not meet the terms and conditions of the GPs, including those that have the potential for more than minimal effects, will require an Individual Permit. The Individual Permit review process is detailed in the Federal regulations at 33 CFR 325, Processing of Department of the Army Permits. Reissuance of the GPs will not alter the Individual Permit review procedures or Federal exemptions.

#### Essential Fish Habitat

In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the Federal fishery management councils (Councils) to designate Essential Fish Habitat (EFH) for all Federally-managed fish species. Essential Fish Habitat is broadly defined as those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires that Federal agencies proposing to authorize, fund, or to undertake actions which may adversely affect EFH consult with National Marine Fisheries Service (NMFS) regarding the action. Accordingly, the Corps has and continues to consult with NMFS regarding the actions permitted under the GP. For certain types of actions that will likely result in no more than minimal adverse effects to EFH individually and cumulatively, NMFS may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(f).

#### Section 401 Water Quality Certification

Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification from the

state in which the discharge originates that the discharge will comply with the applicable effluent limitations and water quality standards. The Corps is requesting that the Massachusetts Department of Environmental Protection (MassDEP), determine whether to issue, deny or waive Section 401 WQC. Please send comments regarding WQC to: Mr. Lealdon Langley, MassDEP, Bureau of Resource Protection, Wetlands Regulation Program, One Winter Street, Boston, MA 02108; or [Lealdon.Langley@Massmail.state.ma.us](mailto:Lealdon.Langley@Massmail.state.ma.us).

#### Coastal Zone Management (CZM) Consistency

Section 307(c) of the Coastal Zone Management Act of 1972, as amended, requires Federal agencies conducting activities, including development projects directly affecting a state's coastal zone, to comply to the maximum extent practicable with an approved state coastal zone management program. It also requires the Corps to provide a consistency determination and receive state concurrence prior to the issuance, reissuance, or expansion of activities authorized by a GP for activities within a state with a Federally-approved Coastal Management Program when those activities will affect land or water uses or natural resources of the state's coastal zone. The Corps is therefore requesting that the Massachusetts Office of Coastal Zone Management determine whether to issue, deny or waive CZM Consistency.

#### Comments

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of the revised GPs. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All comments will be considered a matter of public record. The current draft of the revised GPs is attached to this public notice and located at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Public Notices.

Anyone wishing to comment is encouraged to do so in writing within the comment period specified in this notice. Comments should be submitted in writing by the above date to: Mr. Alan R. Anacheke-Nasemann, PWS, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, Massachusetts 01742-2751. If you have any questions or would like a paper copy of the proposed GPs, please contact Mr. Anacheke-Nasemann at (978) 318-8214 or [alan.a.anacheke-nasemann@usace.army.mil](mailto:alan.a.anacheke-nasemann@usace.army.mil).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining comments when, in the opinion of the Corps, a hearing is the best means for understanding a wide variety of concerns from a diverse segment of the public.

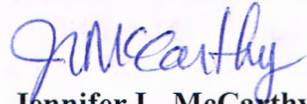
#### Decision

The decision whether to issue the revised GPs will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and

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accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.



**Jennifer L. McCarthy**  
**Chief, Regulatory Division**

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**Department of the Army**  
**General Permits for Massachusetts**

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

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## **I. GENERAL CRITERIA**

1. See Section II to determine if the activity requires Corps authorization, and Sections III and IV to determine if the activity may be eligible for authorization under the GPs, specifically whether it is eligible for self-verification (SV) or preconstruction notification (PCN) is required.
2. In order for activities to qualify for these GPs, they must comply with all applicable GP eligibility criteria and general conditions in Section IV.
3. Project proponents are encouraged to contact the Corps with questions at any time. Pre-application meetings (see 33 CFR 325.1(b)) are encouraged to facilitate early review and help streamline the permit process by alerting the applicant to potential obstacles that may arise during the evaluation (e.g., historic properties general condition (GC) 6 and endangered species (GC 8)).
4. Projects that are not authorized by these GPs require Individual Permits (IPs; 33 CFR 325.5(b)) and proponents must submit an application directly to the Corps. These GPs do not affect the Corps' IP review process or activities exempt from Corps permit requirements. The Corps retains discretionary authority on a case-by-case basis to elevate a SV to PCN or IP, or a PCN to IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever the Corps notifies an applicant that a PCN or IP is required, no work in Corps jurisdiction may be conducted until the Corps issues the required authorization in writing indicating that work may proceed.

5. How to Obtain/Apply for Authorization

a. Self-Verification (Self-Verification Notification Form (SVNF) required):

The project proponent may proceed with activities authorized under these GPs that are eligible for SV without submitting a PCN to the Corps provided the prospective permittee has:

i. Verified that the activity will meet the terms and conditions of applicable GPs. Consultation with the Corps and/or other relevant Federal and State agencies may be necessary to ensure compliance with the applicable general conditions (GCs) in Section IV and related Federal laws such as the National Historic Preservation Act (GC 6), the Endangered Species Act (GC 8) and the Wild and Scenic Rivers Act (GC 9). The Corps can confirm that SV eligible activities are authorized under the GPs if the proponent submits a PCN to the Corps.

ii. Verified that any activities will not take place within or could impact a Federal project. See 33 U.S.C. 408. Also see Section IV (GC 7a), and Section XI (1), below.

iii. Submitted the SVNF (Section V) to the Corps. By submitting the SVNF, you are self-verifying that your project meets the terms and conditions of the applicable GPs. See GC 31 for more information, including when a SVNF is not required.

Permittees are encouraged to keep this entire GPs for MA document in their file.

b. Pre-Construction Notification (application and written verification required):

For activities that do not qualify for SV, the permittee must submit a PCN to obtain written verification from the Corps before starting work in Corps jurisdiction.

i. Applicants must include the applicable information in Section VI to ensure the application is complete, which will expedite project review.

ii. For all GP activities that require PCN the Corps will provide (via e-mail, facsimile transmission (fax), overnight mail, or other expeditious manner) a copy of the complete PCN to the U.S. Fish and Wildlife Service (FWS), the Environmental Protection Agency (EPA) MassDEP, and, if appropriate, the National Marine Fisheries Service (NMFS). These agencies will have 15 calendar days from the date the material is transmitted to provide substantive, site specific comments.

iii. In addition, the Corps will provide (via e-mail, fax, overnight mail, or other expeditious manner) the PCN and the SHPO/THPO Notification Form (see Section VII) or the SHPO/MHC's "Project Notification Form." to the State Historic Preservation Officer (SHPO), the Massachusetts Bureau of Underwater Archaeological Resources (BUAR), and the applicable Tribal Historic Preservation Officers (THPOs). These agencies will have 30 calendar days from the date the material is received to provide substantive site specific comments concerning properties that may be eligible for inclusion in the National Register of Historic Places. The SHPO, BUAR and THPOs will contact the Corps within 30 days if there is any potential for an effect on a historic property and the Corps will begin consultation. The Corps may request expedited review on particular projects, e.g., emergency situations. Notification is not required when alternate procedures exist or the Corps has designated another Federal agency as the lead in accordance with 36 CFR 800.2(a)(2).

iv. Applicants must apply as appropriate to the MassDEP or local conservation commission for water quality certification under §401 of the Clean Water Act prior to, or concurrent with, the Corps application.

v. Applicants may not proceed with work in Corps jurisdiction until written verification is received from the Corps. To be eligible and subsequently authorized, an activity must result in no more than minimal individual and cumulative environmental effects as determined by the Corps in accordance with the criteria listed within these GPs. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of an activity are no more than minimal. If the Corps determines that the PCN activity qualifies for authorization under these GPs, the Corps will send an authorization letter directly to the applicant. If the Corps determines that the activity does not qualify for authorization under these GPs, or that additional information is required, the Corps will notify the applicant in writing.

vi. Emergency Situations: Contact the Corps in the event of an emergency situation for information on the application and approval process. Emergency situations are limited to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under the GPs; otherwise an IP is required. The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

## **II. JURISDICTION/AUTHORITIES TO ISSUE PERMITS**

1. The following regulated activities require authorization under the Corps Regulatory Program:
  - a. The construction of any structure in, over or under any navigable water of the United States (U.S.), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section (§) 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322;
  - b. The discharge of dredged or fill material, and discharges associated with excavation, into waters of the U.S. The Corps regulates these activities under §404 of the Clean Water Act (CWA). See 33 CFR 323; and
  - c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under §103 of the Marine Protection, Research and Sanctuaries Act. See 33 CFR 324.
2. Related laws: 33 CFR 320.3 includes a list of related laws, including: §401 of the CWA, §402 of the CWA, §307(c) of the Coastal Zone Management Act of 1972, the National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Marine Mammal Protection Act of 1972, the Magnuson-Stevens Act, and §7(a) of the Wild and Scenic Rivers Act.

## **III. ELIGIBLE ACTIVITIES**

1. Terms and Conditions  
An activity is authorized under GPs 1-23 below only if that activity and the permittee satisfy all of the GP's terms and conditions. Activities that do not qualify for authorization under a GP still may be authorized by an IP.
2. Additional Information  
"Navigable waters of the U.S." are defined in 33 CFR 329 and identify waters where permits are required for work or structures pursuant to §§9 and 10 of the Rivers and Harbors Act of 1899.  
"Waters of the U.S." are defined in 33 CFR 328 and identify waters where permits are required for the discharge of dredged or fill material pursuant to §404 of the Clean Water Act." For the purposes of this document, "non-tidal waters and wetlands" means non-tidal waters of the U.S. that are jurisdictional under §404 of the Clean Water Act (see 33 CFR 328).

Project proponents must read the text of each GP and the GCs to see if an activity is eligible for authorization. For each GP, read the SV Eligible column, PCN column, *and* the Notes to determine if a SVNF (unless otherwise stated) or PCN is required.

The area limits stated in GPs 1, 8-14, 16-20 and 23 apply when there is a discharge of dredged or fill material or a discharge associated with excavation in waters of the U.S. Unless otherwise stated, the total temporary

and permanent impact area is used to determine if a single and complete project is eligible for SV or requires a PCN. An IP is required if the total permanent impact area exceeds the PCN limit.

Permanent impacts include, but are not limited to, waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity; and permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Temporary impacts include, but are not limited to, waters of the U.S. that are temporarily filled, flooded, excavated, drained or cleared because of the regulated activity. Impacts resulting from activities eligible for exemptions under §404(f) of the CWA are not considered when calculating the impact area.

### 3. General Permits:

1. Maintenance
2. Moorings
3. Floats, Lifts and Pile-Supported Structures
4. Aids to Navigation, and Temporary Recreational Structures
5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation
6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges
7. Bank and Shoreline Stabilization
8. Residential, Commercial and Institutional Developments, and Recreational Facilities
9. Utility Line Activities
10. Linear Transportation Projects and Stream Crossings
11. Mining Activities
12. Boat Ramps and Marine Railways
13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects
14. Temporary Construction, Access, and Dewatering
15. Reshaping Existing Drainage Ditches, New Ditches, and Mosquito Management
16. Response Operations for Oil and Hazardous Substances
17. Cleanup of Hazardous and Toxic Waste
18. Scientific Measurement Devices
19. Survey Activities
20. Agricultural Activities
21. Fish and Wildlife Harvesting and Attraction Devices and Activities
22. Aquaculture Activities
23. Aquatic Habitat Restoration, Establishment and Enhancement Activities

**GP 1. Maintenance (§§10 and 404; tidal and non-tidal waters of the U.S.)** The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified in the original permit or the most recently authorized modification.<sup>1</sup> Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are also eligible. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. Also eligible is the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, 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. In cases of catastrophic events, such as hurricanes or tornadoes, the Corps may waive the two-year limit in writing provided the permittee can demonstrate funding, contract, or other similar delays.

**Not authorized under GP 1:** (a) Permanent impacts >1 acre in non-tidal waterways and/or wetlands, >1/2 acre in tidal waters, >1000 SF in tidal Special Aquatic Sites (SAS) other than vegetated shallows, or >100 SF in tidal vegetated shallows; (b) Temporary impacts >1 acre in tidal waters, >5000 SF in tidal SAS other than vegetated shallows, or >1000 SF in vegetated shallows; (c) stream crossing modifications (including sliplining), replacements or extensions (see GP 10); (d) new stream channelization or stream relocation projects (e.g., those in response to storm or flood events); or (e) maintenance dredging, beach nourishment or beach restoration (see GP 5).

Self-Verification Eligible	PCN Required
Repair, replacement in-kind, or maintenance of existing, currently serviceable, authorized structures or fills. This includes, but it is not limited to the removal of accumulated sediments and debris in the vicinity of existing structures (limited to bridges, culverted road crossings, water intake structures and dams), provided: a) removal is the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built; b) removal extends no farther than 50 feet in any direction from the structure; and c) all dredged or excavated materials are deposited and retained in an upland area.	<ol style="list-style-type: none"> <li>1. Expansions (e.g., structures) or new permanent or temporary impacts (i.e., outside of the previously authorized footprint) occur in waters of the U.S.; or</li> <li>2. Impacts occur in tidal SAS; or</li> <li>3. Dam and flood control or levee repair, rehabilitation, or replacement involves: <ol style="list-style-type: none"> <li>a. Change in the flood elevation or permanent water surface elevation of the impoundment; or</li> <li>b. Drawdown of impoundment for construction exceeding one growing season; or</li> <li>c. Work at the Holyoke or Turners Falls Dams; or</li> </ol> </li> <li>4. The discharge of more than <i>de minimis</i> (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters<sup>2</sup>; or</li> <li>5. The activity causes turbidity or sediment resuspension: i) in the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River from the mouth to the Essex Dam, tidal portions of the Taunton River (mouth to the Three Mile River river kilometer (rkm) 19), and remaining tidal waters that are not rivers, between Mar 16 and Oct 31; or ii) during the TOY restriction specified in GC 18; or</li> <li>6. Any work to previously approved tide gates without a Corps-approved operation and maintenance plan or changes affect the hydraulic regime.</li> <li>7. Repair or replacement of currently-serviceable tide gates through the use of duckbill, flap gate or manual check valve tide gates unless installed on existing outfall structures for pipes conveying stormwater and/or industrial discharges that are not waters of the U.S.</li> </ol>

<sup>1</sup> This authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the CWA §404(f) exemption for maintenance. See 33 CFR 323.4(a)(2).

<sup>2</sup> See Corps Regulatory Guidance Letter No. 05-04 for more information.

**GP 2. Moorings (§10; navigable waters of the U.S.)** New moorings and mooring fields; the relocation of previously authorized<sup>3</sup> moorings; expansions, boundary reconfigurations or modifications of previously authorized mooring fields; and maintenance and replacement of moorings.

**Not authorized under GP 2:** (a) Moorings or mooring fields classified as, converted to, or associated with a new boating facility<sup>4</sup>; (b) Moorings in a Corps Federal anchorage that are classified as a boating facility<sup>4</sup> (see PCN Required paragraph 2 for an exception); or (c) Moorings in a Corps Federal channel.

Self-Verification Eligible	PCN Required
<p>1. New or relocated moorings that are:</p> <ul style="list-style-type: none"> <li>a. Authorized by a local harbormaster/municipality under MGL Chapter 91 §10A; and</li> <li>b. Single boat and single-point; and</li> <li>c. Not associated with a boating facility<sup>4</sup>; and</li> <li>d. Not placed in nor impact tidal vegetated shallows (e.g., eelgrass). See GC 2(b); and</li> <li>e. Attached to boats that float at all times; and</li> <li>f. Not located within a Corps Federal navigation project or its buffer zone.</li> </ul> <p>2. Existing, authorized moorings are converted from traditional moorings to low impact mooring technology and/or helical anchors.</p>	<p>1. New or relocated of moorings that are not eligible for self-verification.</p> <p>2. New mooring fields; or expansions, boundary reconfigurations or modifications of existing, authorized mooring fields.</p> <p>3. Municipal mooring fields are the only boating facility that may be established in a Corps Federal anchorage.</p>

<sup>3</sup> For all GPs, “authorized” means authorized by the Corps, not a state or municipality, unless otherwise stated. A SVNf was not required before January 21, 2010.

<sup>4</sup> Boating facilities provide for a fee, rent or sell mooring or docking space, such as marinas, yacht clubs, boat clubs, boat yards, dockominiums, town facilities, land/home owners associations, etc. Not classified as boating facilities are piers shared between two abutting properties, or municipal moorings or municipal mooring fields that charge an equitable user fee based only on the actual costs incurred.

**GP 3. Floats, Lifts and Pile-Supported Structures (§10; navigable waters of the U.S.)** New, expansions, reconfigurations or modifications of: (a) Poles, piles, pole-supported or pile-supported structures, or shore outhauls (hereinafter referred to as “structures”); (b) Floats; and (c) Boat and float lifts (hereinafter referred to as “lifts”).

**Not authorized under GP 3:** Any floats, lifts or pile-supported structures associated with a new boating facility.

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"> <li>1. Private, non-commercial structures; and</li> <li>2. Structures with decking are <math>\leq 4</math> feet in total width, <math>\geq 4</math> feet above the substrate, span <math>\leq 75</math> feet over salt marsh, and the height of structures at all points is equal to or exceeds the width of the deck (the height shall be measured from the marsh substrate to the bottom of the lowest longitudinal support); and</li> <li>3. Structures and floats in: (a) tidal navigable waters total <math>\leq 600</math> SF combined; and (b) non-tidal navigable waters total <math>\leq 300</math> SF combined; and</li> <li>4. Floats in tidal waters are <math>\geq 18</math> inches above the substrate at any time. Skids can only be used in areas where piles are not practicable and on sandy or hard bottom substrates; and</li> <li>5. Structures, floats or lifts are located <math>\geq 25</math> feet from areas that have been mapped or that currently contain vegetated shallows; and Structures, floats or lifts extend <math>\leq 75</math> feet waterward from` (a) Mean High Water (MHW), or (b) ordinary high water (OHW) in non-tidal navigable waters; and</li> <li>6. Structures, floats or lifts extend <math>\leq 25\%</math> of the waterway width at mean low water (MLW) or OHW or are located <math>\geq 25</math> feet from property line extensions. See note below; and</li> <li>7. Construction activities related to structures, floats or lifts extend <math>\leq 25\%</math> of the waterway width at OHW or MLW during the TOY restriction specified in GC 18; and</li> <li>8. Fenders and similar structures; and</li> <li>9. Pile removal.</li> </ol>	<ol style="list-style-type: none"> <li>1. Structures, floats and lifts that are not SV eligible; or</li> <li>2. Floats that are located over SAS; or</li> <li>3. Shore outhauls; or</li> <li>4. Expansions, reconfigurations, reconfiguration zones, or modifications at any authorized boating facility; or</li> <li>5. New, expansions, reconfigurations, reconfiguration zones, or modifications of structures, floats or lifts that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc.; or</li> <li>6. Structures for purposes other than navigation or miscellaneous structures; or</li> <li>7. Installation with jetting techniques; or</li> <li>8. Installation of any piles <math>&gt; 12''</math> or steel piles of any diameter</li> </ol>

Note: See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Forms and Publications >> Structure Placement in Navigable Waterways.

**GP 4. Aids to Navigation and Temporary Recreational Structures (§10; navigable waters of the U.S.)**

(a) Aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (USCG). See 33 CFR 66, Chapter I, subchapter C; and (b) Temporary buoys, markers, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use. See GC 10.

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"> <li>1. Aids to navigation and regulatory markers approved by and installed in accordance with the requirements of the USCG; and</li> <li>2. Temporary buoys, markers and similar structures: a) placed for recreational use during specific events and removed within 30 days after event, b) placed during winter events on ice and removed before spring thaw, and c) authorized by the local harbormaster.</li> </ol>	<p>Aids to navigation or temporary recreational structures that are not SV eligible.</p>

**GP 5. Dredging (§10; navigable waters of the U.S.), Disposal of Dredged Material (§§ 10, 404 & 103; tidal waters of the U.S.), Beach Nourishment (§§ 10 & 404; tidal and non-tidal waters of the U.S.); Rock Removal (§10, navigable waters of the U.S.) and Rock Relocation (§§ 10 & 404; tidal and non-tidal waters of the U.S.)** (a) New dredging and maintenance dredging, including: (i) Return water from an upland contained dredged material disposal area; and (ii) Disposal of dredged material at a confined aquatic disposal cell, beach nourishment, nearshore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal; (b) Beach nourishment.

**Not authorized under GP 5:** (a) New dredging >½ acre or ≥10,000 CY; (b) New or maintenance dredging with >1000 SF of impacts to intertidal areas; (c) New or maintenance dredging and/or disposal (including beach nourishment not associated with dredging) with >1000 SF of impacts to tidal SAS other than vegetated shallows, or >100 SF of impacts to vegetated shallows; (d) Rock removal and relocation for navigation >½ acre; (e) Beach scraping; or (f) New dredging where the primary purpose is sand mining for beach nourishment.

Self-Verification Eligible	PCN Required
<p>1. Maintenance dredging of previously dredged areas, with upland disposal, provided:</p> <p>a. dredged area ≤ ½-acre; and</p> <p>b. not located in i) the Connecticut River from the MA/CT border to the Turners Falls Dam, the Merrimack River from the mouth to the Essex Dam, tidal portions of the Taunton River (mouth to the Three Mile River (rkm 19)); ii. other tidal waters between Feb 15 and Oct 31; and iii) all other navigable waters of the U.S. between October 1 and June 30;</p> <p>(c) no impacts to tidal SAS or intertidal areas, or located within 100' of vegetated shallows or shellfish areas.</p>	<p>1. New dredging and associated disposal; or</p> <p>2. Maintenance dredging located in waters or at time periods not eligible for self-verification; or</p> <p>3. Beach nourishment in waters of the U.S. not associated with dredging; or</p> <p>4. Maintenance dredging where the primary purpose is sand mining for beach nourishment.</p>

Note: Disposal types are: upland, beach nourishment, nearshore, open water, ocean, or confined aquatic disposal. Compensatory mitigation is generally required for impacts to tidal SAS and intertidal areas resulting from new dredging.

**GP 6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges (§404; navigable 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, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under §9 of the Rivers and Harbors Act of 1899 or other applicable laws. A USCG Authorization Act Exemption or a STURRA (144h) exemption do not constitute USCG authorization. See GC 10.

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

Self-Verification Eligible	PCN Required
Discharges of dredged or fill material incidental to the construction of bridges.	The activity causes turbidity or sediment resuspension in navigable waters of the U.S. during TOY restriction provided in GC 18.

**GP 7. Bank and Shoreline Stabilization (§§ 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. Also eligible are non-structural shoreline stabilization activities. Activities must meet the following criteria: (a) No material is placed in excess of the minimum needed for erosion protection; (b) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the U.S.; and (c) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored tree revetments may be used in low energy areas).

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

Self-Verification Eligible	PCN Required
<p>1. The bank and shoreline disturbance is:</p> <ul style="list-style-type: none"><li>a. <math>\leq 100</math> feet in length including both stream banks; or <math>\leq 100</math> feet in length on each side of the stream bank when necessary to protect transportation infrastructure; and</li><li>b. <math>\leq 1</math> cubic yard of fill per linear foot average along the bank waterward of the plane of ordinary high water (OHW) or high tide line (HTL); and</li></ul> <p>2. The slope of the structure is more gradual than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams and tidal waters and streams; and</p> <p>3. Non-structural shoreline stabilization activities (See Note 3) <math>\leq 100</math> feet in length.</p>	<p>1. The bank and shoreline disturbance is:</p> <ul style="list-style-type: none"><li>a. <math>&gt; 100</math> feet to <math>\leq 500</math> feet in length including both stream banks; or <math>&gt; 100</math> feet in total length on either side of the stream bank and <math>\leq 500</math> feet including both stream banks when necessary to protect transportation infrastructure; or</li><li>b. <math>&gt; 1</math> cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or HTL; or</li></ul> <p>2. The slope of the structure is steeper than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams and tidal waters and streams; or</p> <p>3. Non-structural shoreline stabilization activities (see Note 3) <math>&gt; 100</math> feet in length; or</p> <p>4. Bulkheads, seawalls or similar structures for maritime activities; or</p> <p>5. Impacts to tidal SAS occur; or</p> <p>6. The activity causes turbidity or sediment resuspension during the TOY restriction in the streams or tidal waters specified in GC 18.</p>
<p>Notes:</p> <ul style="list-style-type: none"><li>1. See GP 1 for the replacement of existing, currently serviceable structures.</li><li>2. "Non-structural shoreline stabilization" means activities that provide substrate necessary to support wetland vegetation and are associated with existing tidal marsh improvements and/or new marsh creation that may include the placement of sand fill, coir logs, coir mats, ribbed mussels, and/or native oyster shell. Non-structural shoreline stabilization does not use hard components such as stone.</li></ul>	

**GP 8. Residential, Commercial and Institutional Developments (§§ 10 & 404, non-tidal waters of the U.S.); Recreational Facilities (§404, non-tidal waters of the U.S)** Discharges of dredged or fill material into non-tidal waters of the U.S for the construction or expansion of: (a) Residences and residential subdivisions; (b) Residential, commercial and institutional building foundations and building pads; and (c) Recreational facilities. This GP authorizes attendant features that are necessary for the use such as driveways, roads, stream crossings, hiking trails, bike, cart and horse paths, parking lots, garages, yards and associated utilities.

**Not authorized under GP 8:** (a) Permanent impacts that are >1 acre in non-tidal waters and wetlands; (b) Work in tidal waters; or (c) Stormwater treatment or detention systems, or subsurface sewerage disposal systems, in waters of the U.S (See Note 2).

Self-Verification Eligible	PCN Required
Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands.	<ol style="list-style-type: none"> <li>1. Permanent and temporary impacts are: <ol style="list-style-type: none"> <li>a. &gt;5000 SF to 1 acre in non-tidal waters and wetlands; or</li> <li>b. Located in non-tidal SAS other than non-tidal wetlands; or</li> </ol> </li> <li>2. Work occurs in non-tidal navigable waters of the U.S; or</li> <li>3. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18; or</li> <li>4. Stream channelization, relocation, impoundments, or loss of streambed occurs.</li> </ol>

**Notes:**

1. Impacts include the aggregate total impact area in waters of the U.S. for subdivisions and associated individual lots.
2. Stormwater conveyance components and non-porous, septic effluent pipes that transmit effluent to or between components may be eligible for authorization under GP 9.

**GP 9. Utility Line Activities (§§ 10 & 404; tidal and non-tidal waters of the U.S.)**

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

**Not authorized under GP 9 are:** (a) Permanent impacts for any single and complete project that are >1 acre in non-tidal waters and wetlands, >½ acre in tidal waters, >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows; or (b) Temporary impacts >1 acre in tidal waters, >5000 SF in tidal SAS other than vegetated shallows, or >1000 SF in vegetated shallows.

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands; and</li><li>2. Permanent access roads for construction or maintenance of utility lines that comply with the "Permanent Crossings in Non-Tidal Streams" section of the Stream Crossing BMPs document (see Note 2); and</li><li>3. Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments.</li></ol>	<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are:<ol style="list-style-type: none"><li>a. &gt;5000 SF in non-tidal waters and wetlands, or in non-tidal SAS other than non-tidal wetlands; or</li><li>b. Located in tidal waters or SAS; or</li></ol></li><li>2. Work occurs in, over or under navigable waters of the U.S.; or</li><li>3. There is a permanent change in pre-construction contours in waters of the U.S.; or</li><li>4. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for &gt;3 months (material must be placed such that it is not dispersed by currents or other forces); or</li><li>5. The utility line is placed within and runs parallel to or along a streambed; or</li><li>6. Stream channelization, relocation, impoundments, or loss of streambed occurs; or</li><li>7. The activity causes turbidity or sediment resuspension during the TOY restriction in the streams or tidal waters specified in GC 18.</li></ol>

**Notes:**

1. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, data, and telegraph messages, and radio and television communication. The term utility line does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.
2. [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits>> Massachusetts.
3. Impacts resulting from mechanized pushing, dragging, or other similar activities that redeposit excavated soil material shall be figured into the area limit determination.

**GP 10. Linear Transportation Projects and Stream/Wetland Crossings (§§ 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, railways, trails, airport runways, and taxiways) and attendant features. Any stream channel modification is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. Access roads constructed above pre-construction contours and elevations in waters of the U.S. must be properly bridged or culverted to maintain surface flows.

**Not authorized under GP 10 are:** (a) permanent impacts for any single and complete project that are >1 acre in non-tidal waters and wetlands, >½ acre in tidal waters of the U.S., >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows; (b) Temporary impacts >1 acre in tidal waters, >5000 SF in tidal SAS other than vegetated shallows, or >1000 SF in vegetated shallows; (c) non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars (see GP 8); or d) new tide gates.

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands; and</li><li>2. Permanent stream crossings (new crossings, replacement crossings, modifications and expansions/extensions of existing crossings) in non-tidal streams that comply with the “Permanent Crossings in Non-Tidal Streams” section of the Stream Crossing BMPs document (See Note 2); and/or modifications for the purpose of improving passage and flow provided that they are authorized in writing by a local, State or non-Corps Federal environmental agency (See PCN Required, paragraph 4); and</li><li>3. Temporary stream crossings, including mats, in non-tidal streams that comply with the “Temporary Crossings in Non-Tidal Streams” section of the Stream Crossing BMPs document.</li></ol>	<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are:<ol style="list-style-type: none"><li>a. &gt;5000 SF in non-tidal waters and wetlands</li><li>b. or in non-tidal SAS other than non-tidal wetlands; or</li><li>c. located in tidal waters or SAS; or</li></ol></li><li>2. Permanent stream crossings in non-tidal streams that are not built in accordance with SV-eligible criterion No. 2, or modifications to existing stream crossings that: a) increase velocity; b) decrease the diameter of the crossing; c) decrease the friction coefficient; or d) involve sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining; or</li><li>3. Work occurs in, over or under navigable waters of the U.S. PCN review guidelines for permanent crossings in tidal streams are provided in the “Permanent Crossings in Tidal Streams” section of the Stream Crossing BMPs document; or</li><li>4. Stream channelization, relocation, or loss of streambed (see Note 3) including impoundments, occur; or</li><li>5. Activities that cause turbidity or sediment resuspension during the TOY restriction specified in GC 18; permanent crossings, or temporary culverts or arches, that are installed during the TOY restriction specified in GC 18 (See exception in GC 17(b)), or.</li></ol>

Notes: 1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters may be authorized under GP 6.

2. [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits>> Massachusetts.

3. Loss of streambed does not require a PCN when: a) stream crossings are constructed in accordance with the Stream Crossing BMPs for permanent crossings; or b) bridge piers or similar supports are used.

**GP 11. Mining Activities (§§ 10 and 404; non-tidal waters of the U.S.)**

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

**Not authorized under GP 11 are:** (a) permanent impacts >1 acre in non-tidal waters and wetlands; or (b) work in tidal waters.

Self-Verification Eligible	PCN Required
Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands.	<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are &gt;5000 SF in non-tidal waters and wetlands, or in non-tidal SAS other than non-tidal wetlands; or</li><li>2. Work occurs in non-tidal navigable waters of the U.S.; or</li><li>3. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18; or</li><li>4. Stream channelization, relocation, impoundments, loss of streambed, or discharge of tailings into streams occurs.</li></ol>

**GP 12. Boat Ramps and Marine Railways (§§ 10 and 404; tidal and non-tidal waters of the U.S.)**

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

**Not authorized under GP 12 are:** (a) permanent impacts that are >1 acre in non-tidal waters and wetlands, >½ acre in tidal waters of the U.S., >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows; (b) Temporary impacts >1 acre in tidal waters, >5000 SF in tidal SAS other than vegetated shallows, or >1000 SF in vegetated shallows; or (c) dredging in navigable waters of the U.S. (see GP 5).

Self-Verification Eligible	PCN Required
Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands.	<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are:<ol style="list-style-type: none"><li>a. &gt;5000 SF in non-tidal waters and wetlands, or in non-tidal SAS other than non-tidal wetlands; or</li><li>b. Located in tidal waters or SAS; or</li></ol></li><li>2. Work occurs in navigable waters of the U.S.; or</li><li>3. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18; or</li><li>4. Boat ramps are located within 25 feet of property line extensions unless the properties are owned by the same owner. The Corps may require a letter of no objection from the abutter(s).</li></ol>

**GP 13. Land and Water-Based Renewable Energy Generation Facilities (§§ 10 and 404; tidal and non-tidal waters of the U.S.), and Hydropower Projects (§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 renewable energy production facilities, including attendant features; (b) Water-based wind or hydrokinetic renewable energy generation projects and their attendant features; and (c) Discharges of dredged or fill material associated with hydropower projects.

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

**Not authorized under GP 13 are:** (a) permanent impacts >1 acre in non-tidal waters and wetlands, >½ acre in tidal waters of the U.S., >100 SF in tidal vegetated shallows, or >1000 SF in other tidal SAS; or (b) Temporary impacts >1 acre in tidal waters, >1000 SF in vegetated shallows, or >5000 SF in other tidal SAS.

Self-Verification Eligible	PCN Required
For land-based facilities, permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands.	<ol style="list-style-type: none"> <li>1. For land-based facilities, permanent and temporary impacts are: <ol style="list-style-type: none"> <li>a. &gt;5000 SF in non-tidal waters and wetlands, or located in non-tidal SAS other than non-tidal wetlands; or</li> <li>b. Located in tidal waters or SAS.</li> </ol> </li> <li>2. For water-based wind or hydrokinetic renewable energy generation projects, and hydropower projects, permanent and temporary impacts occur in tidal or non-tidal waters and wetlands.</li> <li>3. For all activities eligible for authorization under GP 13: <ol style="list-style-type: none"> <li>a. Work occurs in, over or under navigable waters of the U.S.; or</li> <li>b. Stream channelization, relocation, impoundments, or loss of streambed occurs; or</li> <li>c. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18.</li> </ol> </li> </ol>

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

**GP 14. Temporary Construction, Access, and Dewatering (§§ 10 and 404; tidal and non-tidal waters of the U.S.)** Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized (if required) by the Corps or the USCG and the temporary work is not included as a component of another GP. This also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or USCG permit requirements.

**Not authorized under GP 14 are:** (a) permanent structures or impacts; (b) Temporary impacts in tidal waters that are >1 acre (>1000 SF of impacts in vegetated shallows, >5000 SF in other tidal SAS); (c) use of cofferdams to dewater wetlands or other aquatic areas to change their use; (d) temporary stream crossings (see GP 10); or (e) structures or fill left in place after construction is completed.

Self-Verification Eligible	PCN Required
1. Temporary impacts including land clearing (except for temporary construction mats) in non-tidal waters and wetlands are ≤5000 SF; and 2. Temporary construction mats ≤5000 SF in non-tidal waters and wetlands; and 3. In tidal waters, temporary impacts including mats ≤1000 SF, and temporary structures with no impacts to tidal SAS and left in place ≤30 days.	1. Temporary impacts including land clearing (except for temporary construction mats) in non-tidal waters and wetlands are >5000 SF; or 2. In tidal waters, temporary impacts including mats >1000 SF and temporary structures, with impacts to tidal SAS or in place >30 days; or 4. The activity causes turbidity or sediment resuspension: i) in the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River from the mouth to the Essex Dam, tidal portions of the Taunton River (mouth to the Three Mile River (rkm 19)), and remaining tidal waters that are not rivers, between Mar 16 and Oct 31; or ii) during the TOY restriction specified in GC 18.

Note: Turbidity or sediment resuspension is generally not considered to occur when properly using management techniques to work in dry conditions. PCNs must include plans to demonstrate this.

**GP 15. Reshaping Existing Drainage and Mosquito Management Ditches, and Construction of New Ditches (§§ 10 and 404; tidal and non-tidal waters of the U.S.)** Discharges to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation.

**Not authorized under GP 15:** Temporary impacts, stream channelization, relocation, impoundments, or loss of streambed.

Self-Verification Eligible	PCN Required
≤500 linear feet of drainage ditch will be reshaped.	1. >500 linear feet of drainage ditch will be reshaped, or the reshaping of the ditch increases the drainage capacity beyond the original as-built capacity or expands the area drained by the ditch as originally constructed (i.e., the capacity of the ditch is not the same as originally constructed or drains additional wetlands or other waters of the U.S.); or 2. New ditches or relocation of drainage ditches constructed in waters of the U.S. (i.e., the location of the centerline of the reshaped drainage ditch is not approximately the same as the location of the centerline of the original drainage ditch; or 3. Mosquito reduction activities; or 4. The activity causes turbidity or sediment resuspension during the TOY restriction provided in GC 18.

**GP 16. Response Operations for Oil and Hazardous Substances (§§ 10 and 404; tidal and non-tidal waters of the U.S.)**

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

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"><li>1. Activities are conducted in accordance with (a) or (b) above (see Note 1); and</li><li>2. Booms placed in navigable waters for oil and hazardous substance containment, absorption and prevention; and</li><li>3. Temporary impacts for spill response training exercises &lt;5000 SF in non-tidal waters and &lt;1000 SF in tidal waters, and temporary structures in tidal waters, with no impacts to SAS and in place ≤30 days.</li></ol>	<ol style="list-style-type: none"><li>1. Activities that are not conducted in accordance with (a) or (b) above; or</li><li>2. The activity is planned or scheduled, not an emergency response, and causes turbidity or sediment resuspension during the TOY restriction provided in GC 18; or</li><li>3. For spill response training exercises, temporary structure and impacts that are not SV eligible, or all permanent structures or impacts.</li></ol>

**Notes:**

1. For work in the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River from the mouth to the Essex Dam, tidal portions of the Taunton River (mouth to the Three Mile River (rkm 19)), and remaining tidal waters that are not rivers, the permittee must contact the Corps at (978) 318-8338 before or as soon as possible after the work authorized under GP 16(a) - (c) commences for the Corps to address the effects under the Federal Endangered Species Act with NMFS.
2. Permittees have until two weeks following commencement of the activities in GP 16 to submit the SVNF.
3. The requirements in Notes 1 and 2 above do not apply to booms used for spill prevention, or properly contained and cleaned *de minimus* oil or hazardous substance discharges into navigable waters of the U.S.

**GP 17. Cleanup of Hazardous and Toxic Waste (§§ 10 and 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. SAS should be restored in place at the same elevation to the maximum extent practicable.

Self-Verification Eligible	PCN Required
1. Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands; and 2. No work in navigable waters of the U.S.; and 3. No stream channelization, relocation, impoundments or loss of streambed.	1. Permanent and temporary impacts are: a. >5000 SF in non-tidal waters and wetlands, or located in non-tidal SAS other than non-tidal wetlands; or b. Located in tidal waters or SAS; or 2. Work occurs in navigable waters of the U.S.; or 3. Stream channelization, relocation, impoundments, or loss of streambed occurs; or 4. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18; or 5. The project involves establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.
<b>Notes:</b> 1. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under §404 of the CWA or §10 of the Rivers and Harbors Act. 2. Permittees have until two weeks following commencement of the activities in GP 17 to submit the SVNF.	

**GP 18. Scientific Measurement Devices (§§ 10 and 404; tidal and non-tidal waters of the U.S.)**

Scientific measurement 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 weirs and flumes constructed primarily to record water elevation, flow and/or velocity. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations.

**Not authorized under GP 18 are:** (a) permanent impacts >5000 SF in tidal and non-tidal waters and wetlands, >100 SF in tidal vegetated shallows, or >1000 SF in other tidal SAS; or (b) Temporary impacts >1 acre in tidal waters, >1000 SF in vegetated shallows, or >5000 SF in other tidal SAS.

Self-Verification Eligible	PCN Required
Permanent and temporary impacts are ≤1000 SF in non-tidal waters and wetlands.	1. Permanent and temporary impacts are: a. >1000 SF in non-tidal waters and wetlands, or located in non-tidal SAS other than non-tidal wetlands; or b. Located in tidal waters or SAS; or 2. The activity involves permanent biological sampling devices in non-navigable waters, temporary or permanent biological sampling devices in navigable waters, or weirs and flumes.

**GP 19. Survey Activities (§§ 10 and 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 19:** (a) Permanent impacts >5000 SF in tidal and non-tidal waters and wetlands, >100 SF in tidal vegetated shallows, or >1000 SF in other tidal SAS; or (b) Temporary impacts >1 acre in tidal waters, >1000 SF in vegetated shallows, or >5000 SF in other tidal SAS.

Self-Verification Eligible	PCN Required
<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are ≤1000 SF in waters of the U.S. provided no work in SAS other than non-tidal wetlands; and</li><li>2. Temporary structures in navigable waters of the U.S.</li></ol>	<ol style="list-style-type: none"><li>1. Permanent and temporary impacts are &gt;1000 SF in non-tidal waters and wetlands, or located in SAS other than non-tidal wetlands; or</li><li>2. Permanent impacts or structures, temporary impacts &gt;1000 SF, or work in SAS, are located in tidal waters; or</li><li>3. Permanent structures in navigable waters of the U.S.; or</li><li>4. Exploratory trenching occurs in waterways (e.g., streams, tidal waters) (see Note 1); or</li><li>5. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18; or</li><li>6. Seismic exploratory operations occur between Mar 16 and Oct 31 in the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River from the mouth to the Essex Dam, tidal portions of the Taunton River (mouth to the Three Mile River (rkm 19)), and remaining tidal waters that are not rivers; or</li><li>7. Work associated with the recovery of historic resources, and the drilling and discharge of excavated material from test wells for oil and gas exploration.</li></ol>

**Notes:**

1. For the purposes of GP 19, the term “exploratory trenching” means mechanical land or underwater clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material. (See GCs 13(e) and 16).
2. The discharge of drilling mud and cuttings may require a permit under §402 of the CWA.
3. A SVNF is not required for wetland delineations, core sampling conducted for preliminary evaluation of dredge project analysis, and historic resource surveys.

**GP 20. Agricultural Activities (§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, including the construction of building pads for farm buildings. Authorized activities include: (a) installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches; and similar activities; (b) construction of farm ponds, excluding perennial streams, provided the farm pond is used solely for agricultural purposes; and (c) discharges of dredged or fill material to relocate existing serviceable drainage ditches constructed in non-tidal streams.

**Not authorized under GP 20 are:** (a) permanent impacts >1 acre in non-tidal waters and wetlands; (b) work in tidal waters; or (c) construction of farm ponds in perennial streams.

Self-Verification Eligible	PCN Required
Permanent and temporary impacts are ≤5000 SF in non-tidal waters and wetlands.	<ol style="list-style-type: none"> <li>1. Permanent and temporary impacts are &gt;5000 SF in non-tidal waters and wetlands, or located in non-tidal SAS other than non-tidal wetlands; or</li> <li>2. Work occurs in non-tidal navigable waters; or</li> <li>3. Stream channelization, relocation, impoundments, loss of streambed, or farm ponds in non-perennial streams occurs; or</li> <li>4. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18.</li> </ol>

**Notes:**

This GP authorizes the construction of farm ponds that do not qualify for the CWA §404(f)(1)(C) exemption because of the recapture provision at §404(f)(2).

**GP 21. Fish and Wildlife Harvesting and Attraction Devices and Activities (§§ 10 and 404; tidal and non-tidal waters of the U.S.)** Fish and wildlife harvesting and attraction devices and activities such as lobster pound nets, crab traps, shellfish dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, shellfish seeding, fish aggregating devices, and small fish attraction devices such as open-water fish concentrators (sea kites, etc.).

**Not authorized under GP 21:** Artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area >½ acre.

Self-Verification Eligible	PCN Required
Devices and activities that do not require a PCN.	<ol style="list-style-type: none"> <li>1. Pound nets other than those traditionally used for lobster, impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area ≤½ acre, fish aggregating devices, small fish attraction devices; or</li> <li>2. Devices and activities that are located in tidal SAS.</li> </ol>

**Note:** A SVNf is not required for work authorized under GP 21.

**GP 22. Aquaculture (§§ 10 and 404; tidal and non-tidal waters of the U.S.):** (a) The installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the U.S.; (b) Discharges of dredged or fill material into waters of the U.S. necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities; and (c) Shellfish seeding or brushing the flats projects.

**Not authorized under GP 22 are:** (a) Temporary impacts; (b) Finfish aquaculture; (c) 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  $> \frac{1}{2}$  acre; (d) New or expansions of existing, authorized impoundments and semi-impoundments  $> \frac{1}{2}$  acre of waters of the U.S. for the culture or holding of motile species; (e) Cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody; (f) Cultivation of an aquatic nuisance species; or (g) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the U.S. as waste.

Self-Verification Eligible	PCN Required
Devices and activities that do not require a PCN	<ol style="list-style-type: none"> <li>1. New or expansion of existing aquaculture facilities that: a) are in tidal waters deeper than -6 feet Mean Lower Low Water (MLLW; the exception is for aquaculture bags or cages, which are SV eligible if they are attached to existing docks and piers); or b) total <math>&gt; 2</math> acres in tidal and non-tidal waters; or</li> <li>2. Research, educational, commercial-viability or experimental aquaculture gear activities for indigenous species <math>&gt; 1000</math> SF; or</li> <li>3. New or expansions of existing, authorized impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster; or</li> <li>4. Activities take place within 25 feet of SAS, including vegetated shallows, except for aquaculture bags or cages attached to existing docks and piers (see 1 above); or</li> <li>5. Activities include a species not previously cultivated in the waterbody; or</li> <li>6. Aquaculture longlines in subtidal waters; or</li> <li>7. Activities involve a change from bottom culture to floating or suspended culture; or</li> <li>8. Depth of cultch or spatbed-shell exceeds the minimum necessary for full coverage of the farmed bed bottom; or</li> <li>9. Shellfish dredging, including mechanical or hydraulic in SAS.</li> </ol>
<p>Note: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines: a) nonindigenous species as “any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another”; and b) aquatic nuisance species as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.”</p>	

**GP 23. Aquatic Habitat Restoration, Establishment and Enhancement Activities (§§ 10 and 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 wetlands and streams, on the project site; 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, and the PCN includes an Aquatic Resource Restoration Plan subject to approval by the Corps.

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

**Not authorized under GP 23:** Stream channelization activities or artificial reefs.

Self-Verification Eligible	PCN Required
<p>1. Permanent or temporary impacts:</p> <ul style="list-style-type: none"> <li>a. Are ≤5000 SF in non-tidal waters and wetlands; and</li> <li>b. Do not occur in tidal waters except for cultch placement provided there are no SAS impacts; and</li> </ul> <p>2. Temporary structures in navigable waters of the U.S; or</p> <p>3. SAS planting and transplanting ≤100 SF in tidal waters; and</p> <p>4. The activity is authorized in writing by a local, State or non-Corps Federal environmental resource management agency.</p>	<p>1. Permanent or temporary impacts are:</p> <ul style="list-style-type: none"> <li>a. &gt;5000 SF in non-tidal waters and wetlands; or</li> <li>b. Located in tidal waters, including cultch placement with SAS impacts; or</li> </ul> <p>2. Permanent structures in navigable waters of the U.S; or</p> <p>3. SAS planting and transplanting &gt;100 SF in tidal waters; or</p> <p>4. Permanent water impoundments, or dam removal or fish ladders; or</p> <p>5. Stream relocation, impoundments, or loss of streambed occurs; or</p> <p>6. The conversion of: i) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, ii) one wetland type to another (e.g., forested wetland to an emergent wetland). See Note 2; or</p> <p>7. The activity causes turbidity or sediment resuspension during the TOY restriction specified in GC 18.</p>

**Notes:**

1. GC 8 states a PCN is required for any activity that might affect listed species or habitat. This includes beneficial effects.
2. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type.

#### **IV. GENERAL CONDITIONS:**

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

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Minimal Effects
4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)
5. Single and Complete Projects
6. Historic Properties
7. National Lands and Federal Projects
8. Federal Threatened and Endangered Species and Related Time of Year Restrictions
9. Wild and Scenic Rivers
10. Navigation
11. Federal Liability
12. Pile Driving and Removal and related Time of Year Restrictions
13. Utility Line Installation and Removal
14. Heavy Equipment in Wetlands
15. Temporary Fill
16. Restoration and Removal of Temporary Fills
17. Soil Erosion and Sediment Controls
18. Time of Year Restrictions
19. Aquatic Life Movements
20. Management of Water Flows
21. Water Quality Certification
22. Coastal Zone Management
23. Floodplains and Floodways
24. Storage of Seasonal Structures
25. Spawning, Breeding, and Migratory Areas
26. Vernal Pools
27. Invasive and Other Unacceptable Species
28. Blasting
29. Suitable Material
30. Permit On Site
31. Self-Verification Notification Form
32. Inspections
33. Maintenance
34. Property Rights
35. Transfer of GP Verifications
36. Modification, Suspension, and Revocation
37. Special Conditions
38. False or Incomplete Information
39. Abandonment
40. Enforcement Cases
41. Previously Authorized Activities
42. Duration of Authorization

**1. Other Permits.** The permittee must obtain the following State approvals, when applicable, prior to the commencement of work in Corps jurisdiction in order for authorizations under these GPs to be valid:

- Water Quality Certification: See GC 20.
- Coastal Zone Management Consistency Concurrence: See GC 21.

**2. Federal Jurisdictional Boundaries.**

- a. Activities shall be evaluated with reference to Federal jurisdictional boundaries for 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).
- b. The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current federal method required by the Corps. Applicants are responsible for ensuring that the applicable jurisdictional boundaries are depicted on permit application drawings and for conducting an adequate site-specific survey to verify that vegetated shallows are not present. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Jurisdictional Limits and Wetlands for more information on delineating jurisdictional areas and Submerged Aquatic Vegetation Survey Guidance.

**3. Minimal Effects<sup>5</sup>.** Projects shall have no more than minimal direct, indirect, and secondary adverse environmental effects. Project proponents shall identify all indirect and secondary effects to the extent reasonable and practicable. All PCNs must include this information.

**4. 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 U.S. to the maximum extent practicable at the project site (i.e., on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.
- b. Applicants shall consider riparian/forested buffer best management practices (BMPs) for stormwater management, and low impact development (LID) BMPs to reduce impervious cover and manage stormwater, to minimize impacts to the maximum extent practicable.<sup>6</sup>
- c. Compensatory mitigation<sup>7</sup> for unavoidable adverse effects to waters of the U.S., including direct, secondary and temporal, will generally be required for permanent impacts that require PCNs, and may be required for temporary impacts that require PCNs, 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.

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<sup>5</sup> The New England District Compensatory Mitigation Guidance is a resource for assessing secondary impacts. <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/CompensatoryMitigationGuidance.aspx>

<sup>6</sup> See: [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permit >> Massachusetts >> Mitigation for this additional information: a) “Wetland BMP Manual - Techniques for Avoidance & Minimization,” b) riparian/forested buffer BMPs, and c) LID BMPs. LID BMPs include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or, adding a green roof or rain garden.

<sup>7</sup> Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Mitigation.

The MA In-Lieu Fee Program allows Corps permittees, as compensation for their project impacts to aquatic resources of the U.S. in MA pursuant to §404, to make a monetary payment *in-lieu of* permittee-responsible mitigation. Information is provided at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Mitigation >> Massachusetts In-Lieu Fee Program.

**5. Single and Complete Project** means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. The GPs shall not be used for piecemeal work and shall be applied to single and complete projects.

a. Proponents must quantify any permanent fill associated with the single and complete project that has occurred since October 5, 1984 and provide that information in the PCN. For real estate subdivisions created or subdivided after October 5, 1984, a PCN is required for any discharge which would cause the aggregate total loss of waters of the U.S. for the entire subdivision to exceed 5,000 square feet.

b. 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.

c. 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.

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

## **6. Historic Properties**

a. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed in, determined to be eligible for listing in, or potentially eligible for listing in the National Register of Historic Places<sup>8</sup>, including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of §106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) 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 and/or THPO(s).

b. For SV eligible activities, proponents must ensure and document that the activity will not cause effects as stated in 6(a). Coordination with the SHPO and applicable THPOs using the forms/methods specified in 6(c) below is recommended to demonstrate due diligence to identify historic properties. The SHPO and THPOs are expected to provide comment to the applicant and/or the Corps within 30 days of receipt if there are additional historic properties which need to be addressed. Proponents must submit a PCN if the authorized activity may cause effects as stated in 6(a) as soon as possible to ensure that the

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<sup>8</sup> The majority of historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO and/or THPO(s).

Corps is aware of any potential effects of the permitted activity on any historic property to ensure all §106 requirements are met.

c. 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 to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate the Federal, State and tribal coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## **7. Activities Affecting Structures or Works Built by the United States.**

a. If a GP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project, the prospective permittee must submit a PCN. An activity that requires section 408 permission is not authorized by these GPs until the Corps issues the section 408 permission to alter, occupy, or use the USACE project, and the Corps issues a written GP verification.

b. A PCN is required for all work in the area of the Cape Cod Canal located west of the vertical lift railroad bridge as detailed at [www.nae.usace.army.mil/regulatory](http://www.nae.usace.army.mil/regulatory) >> State General Permits >> Massachusetts.

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

## **8. Federal Threatened and Endangered Species and Related Time of Year Restrictions**

a. No activity is authorized under these GPs 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 consultation under §7 of the ESA, addressing the effects of the proposed activity, has been completed.

b. For listed species or critical habitat under USFWS jurisdiction, a PCN is required if any listed species or critical habitat under USFWS jurisdiction might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, unless another (lead) federal agency has already completed all required §7 consultation. See <http://ecos.fws.gov/ipac> for assistance.

c. For listed species or critical habitat under NMFS jurisdiction, the Corps has determined that all SV eligible work will have no effect on listed species or critical habitat; therefore project proponents are not required to check for listed species or critical habitat for work that is SV eligible. Note 1 in GP 16 requires notification to NMFS in some areas. A PCN is required for activities in the following areas:

- Atlantic sturgeon (*Acipenser oxyrinchus*) spawning areas in the Connecticut River all year
- Shortnose sturgeon (*A. brevirostrum*) spawning areas in the Connecticut and Merrimack Rivers all year
- Shortnose sturgeon overwintering areas in the Connecticut and Merrimack Rivers from Nov. 1 to March 15
- Shortnose sturgeon rearing areas in the Connecticut and Merrimack Rivers from April 15 to July 15.

For aerial photos illustrating these areas, see [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts. These TOY restrictions can only be modified by the Corps, not in a written State determination.

d. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary.

## **9. Wild and Scenic Rivers**

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

- i. Activities that occur in WSR segments, in and 0.25 miles up- or downstream of WSR segments, or in tributaries within 0.25 mile of WSR segments;
- ii. Activities that occur in wetlands adjacent to WSR segments;
- iii. Activities that have the potential to alter free-flowing characteristics in WSR segments.

b. As of 29 March 2016, the Taunton River, Sudbury/Assabet/Concord Rivers, and Westfield River are designated rivers; and the Nashua River is a study river. The most up to date list and descriptions of the WSR segments are provided at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts, under “Wild and Scenic Rivers”.

## **10. Navigation**

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

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

c. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

d. A PCN is required for all work in, over or under a Corps FNP or its buffer zone except for the work authorized in GPs 1 and 16, and the work specified in GPs 2 and 4.

## **11. 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 this permit;
- d. Design or construction deficiencies associated with the permitted work; or
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

## **12. Pile Driving and Removal and Related Time of Year Restrictions**

a. Derelict, degraded or abandoned piles and sheet piles in navigable waters, 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 in some cases to remove polluting materials. Existing creosote piles that are affected by project activities should be completely removed. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method<sup>9</sup> to minimize turbidity and sedimentation impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of mean high water (MHW) or ordinary high water (OHW) and not in wetlands, tidal wetlands, their substrate or mudflats. See GC 17 for sheet pile removal.

b. A PCN is required for all pile-driving work that does not meet one of the following conditions in navigable waters of the U.S. (pile driving can generate underwater sound pressure waves that may injure, harm or kill managed fish and prey species):

i. Piles are ≤12 inches in diameter. 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; or

ii. Piles are installed between Nov 1 and March 15.

c. A PCN is required for the installation of structures with jetting techniques.

### **13. Utility Line Installation and Removal**

a. Subsurface utility lines shall remain subsurface.

b. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment. The bottom cover associated with the initial installation of utility lines under navigable waters and navigation channels shall be a minimum of 48 inches in soil or a minimum of 24 inches in rock excavation in competent rock unless otherwise specified in a written determination.

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

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

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

### **14. Heavy Equipment in Wetlands.**

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

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<sup>9</sup> Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment. Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up. Clamshell Pull: This can remove intact, broken or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall either have low ground pressure (typically <3 psi), or it shall be placed on swamp/construction/timber mats (herein referred to as “construction mats”) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen or dry conditions. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the Construction Mat BMPs at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts

## **15. Temporary Fill**

- a. Temporary fill, which includes construction mats and corduroy roads, shall be entirely removed as soon as it is no longer needed to construct the authorized work. A PCN is required for: i) all temporary fill that is in place greater than two years (unless otherwise stated in a GP), or ii) temporary fill consisting of only construction mats and corduroy roads >5000 SF that are in place in for: 1) >1 year when installed during the growing period, or 2) any portion of more than one growing period when installed outside the growing period. The growing period is from May 1 to Oct 1 for the purposes of these GPs.
- b. A PCN is required for construction mats and corduroy roads that involve underlying fill.
- c. Temporary fill shall be placed in its original location, or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- d. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable. Materials must be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of wetlands. Temporary fill shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade (construction mats are excluded from this requirement).

## **16. Restoration and Removal of Temporary Fills**

- a. Temporary fills must be removed in their entirety and the affected areas restored to their pre-construction condition, function and elevation. The affected areas must be revegetated, as appropriate. Seed mixes and vegetation shall include only plant species native to New England (See also GC 27). Restoration shall typically commence no later than the completion of construction. See the BMPs at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts >> Restoration of Special Aquatic Sites.
- b. In areas of authorized temporary disturbance, cut woody vegetation (trees, shrubs, etc.) 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.

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

- a. Appropriate soil erosion, sediment and turbidity controls<sup>10</sup> must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the OHW mark or HTL, must be permanently stabilized at the earliest practicable date.

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<sup>10</sup> Appropriate soil erosion and sediment controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), phased construction, installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control

Trenches must be backfilled as soon as practicable to reduce turbidity impact duration.

- b. A PCN is required for controls in streams that encroach >50% of the waterway width at OHW during the TOY restriction in GC 18, or of the waterway width at MLW. However, water diversions<sup>11</sup> and temporary crossings in non-tidal streams associated with either permanent stream crossings that comply with the “Permanent Crossings in Non-Tidal Streams” section of the Stream Crossing BMPs document, or modifications for the purpose of improving passage and flow (see GP 10), may remain: i) into the TOY restriction provided that they are removed before March 1 when upstream fish passage begins; and ii) after March 1 if specified by the Corps in writing.
- c. Maintain downstream passage for diadromous fish throughout the project unless otherwise specified by the Corps in writing.
- d. No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands where suspended solids shall be removed prior to discharge back into waters or wetlands. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.
- e. Temporary soil erosion, sediment and turbidity controls shall be removed upon completion of work, or after all disturbed areas are permanently stabilized, whichever is later. 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.
- f. The material within sandbags shall not be released during their removal.

## **18. Time of Year Restrictions**

- a. For projects that otherwise meet the criteria for self-verification, in-stream (e.g., rivers, streams, brooks, etc.) construction work shall be conducted (a) during July 1 through September 30 in non-tidal streams or (b) during November 16 to February 15 in tidal waters. Activities that are not to be conducted during those time periods are ineligible for self-verification, and a PCN is required, regardless of the waterway and wetland fill and/or impact area.
- b. For any projects that require PCN, the Corps may include specific time-of-year restrictions depending on the waterway, wetland fill, and/or impact area, the proposed project, and/or specific construction techniques or activities.

## **19. 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. Permanent water impoundments require a PCN. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

- a. Suitably culverted, spanned, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species (it is important that a continuous thalweg (deepest portion of the channel) be maintained through the structure), and preserve hydraulic and ecological connectivity including connectivity between the wetlands on either side of a road; and
- b. Properly aligned and constructed to prevent bank erosion or streambed scour, both adjacent to and inside, the culvert or span.

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mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization, etc.

<sup>11</sup> Water diversions are activities such as bypass pumping or water withdrawals. Temporary flume pipes, culverts or cofferdams where continuity of flow/normal flow is maintained within the stream boundary’s confines are not water diversions. “Normal flow” is defined as no change in flow from pre-project conditions.

**20. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**21. Water Quality Certification**

- a. Any activity under these GPs that requires authorization under §404 of the Clean Water Act for the discharge of dredged or fill material into waters of the U.S. requires applicants to obtain a water quality certification or waiver from the state and authorized tribes, or EPA where applicable, in accordance with §401(a)(1) of the Clean Water Act (hereinafter referred to as “§401 WQC”). In Massachusetts, the MassDEP has authority to issue or deny §401 WQC. Activities authorized under these GPs must comply with all conditions set forth in the [INSERT DATE UPON ISSUANCE] conditional WQC for these GPs (located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts) or in an Individual §401 WQC. Authorization under the GPs is not valid and no work may commence in Corps jurisdiction until the MassDEP has issued or waived §401 WQC.
- b. The conditional §401 WQC is for certain activities identified in 314 CMR 9.03: Activities Not Requiring an Application, (1) through (6), and an Individual §401 WQC is not required provided the applicant obtains a Final Order of Conditions issued pursuant to 310 CMR 10.00, which serves as the §401 WQC.
- c. The conditional §401 WQC requires that applicants obtain an Individual §401 WQC for the activities listed at 314 CMR 9.04: Activities Requiring an Application ([www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Massachusetts).
- d. If a §401 WQC is issued for work different from that in the Corps authorization, the Corps authorization is not valid and the permittee must resubmit a PCN to the Corps to allow the Corps to reevaluate the project and issue a written verification as appropriate.
- e. The Corps or MassDEP may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. All projects authorized by these GPs shall be designed, constructed and operated to minimize or eliminate the discharge of pollutants.

**22. Coastal Zone Management**

- a. §307(c)(1) of the Coastal Zone Management Act requires the Corps to provide a consistency determination and receive State agreement prior to the issuance, reissuance, or expansion of activities authorized by a GP that authorizes activities within a state with a Federally-approved Coastal Management Program when activities that would occur within, or outside, that state’s coastal zone will affect any land or water use or natural resource of the state’s coastal zone. The Massachusetts Office of Coastal Zone Management (MA CZM) administers the [Massachusetts CZM program](#).
- b. For self-verified activities authorized under these GPs, MA CZM has agreed with the Corps consistency determination and therefore these activities do not require any additional CZM Federal consistency review.
- c. For PCN activities in the Coastal Zone that are eligible for authorization under these GPs, MA CZM requires that permittees obtain a Federal consistency concurrence from MA CZM. The Corps will coordinate review with MA CZM and then notify applicants if an individual consistency concurrence is required. Authorization under these GPs becomes valid only after MA CZM determines that the activity is consistent with the MA CZM program. If the MA CZM consistency concurrence is for work different from that in the Corps authorization, the Corps authorization is not valid and the permittee must

resubmit a PCN to the Corps so the Corps may reevaluate the project and issue a written verification as appropriate.

d. The Corps or MA CZM may require additional measures to ensure that the authorized activity is consistent with State CZM requirements.

### **23. Floodplains and Floodways**

- a. Appropriate measures must be taken to minimize flooding to the maximum extent practicable.
- b. Activities within 100-Year Floodplains must comply with applicable Federal Emergency Management Agency (FEMA)-approved State and/or local floodplain management permitting requirements.

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

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

- a. Direct, indirect and secondary adverse effects in spawning areas shall be avoided and minimized to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
- b. Activities in waters of the U.S. that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any “take” permits required under the USFWS’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity.

### **26. Vernal Pools**

- a. Direct, indirect and secondary adverse effects to all vernal pools (VPs), including their envelopes and critical terrestrial habitats,<sup>12</sup> and activities in VP amphibian breeding areas shall be avoided and minimized<sup>13</sup> to the maximum extent practicable. Site clearing, grading and construction activities associated with a regulated activity<sup>14</sup> in the VP depression, envelope or critical terrestrial habitat may cause these adverse effects to the VP.
- b. For the PCN’s project plans, show all VPs that are located: i) less than 750 feet offsite and known (based upon searches of publically available documentation, including databases and GIS mapping (e.g., MA Natural Heritage and Endangered Species Program; [MA NHESP](#)), regulatory agency or historical

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<sup>12</sup> The VP depression, envelope, and critical terrestrial habitat are defined in Section VIII on page 45.

<sup>13</sup> The following documents provide avoidance and minimization practices, and conservation recommendations, and are located at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >> Vernal Pools. The directional corridor and concentric circle concepts are explained in (a) below. The concentric circle concept is also explained in (b) & (c).

a. Corps Vernal Pool BMPs

b. Science and Conservation of Vernal Pools in Northeastern North America, Calhoun and deMaynadier, 2008. Chapter 12, Conservation Recommendations section, Page 241, is particularly relevant.

c. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial development in the northeastern U.S., Calhoun and Klemens, 2002. Chapter III, Management Goals and Recommendations, Pages 15 – 26, is particularly relevant.

<sup>14</sup> The discharge of dredged or fill material into waters of the U.S., or structure or work in navigable waters. See Section II, Page 3.

records, etc.); and ii) onsite based upon the sources in 26(b)(i) above and field surveys. The Corps will determine if a waterbody (e.g., a VP) is jurisdictional.

c. A PCN is required when the following occur:

- i. A discharge of dredge or fill material occurs within a jurisdictional VP depression (submit the Vernal Pool Characterization Form<sup>15</sup> along with the PCN); or
- ii. There is a VP depression, either offsite (if known) or onsite, within 750 feet of any regulated activity.

## **27. Invasive and Other Unacceptable Species<sup>16</sup>**

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

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

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

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

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

**31. Self-Verification Notification Form.** For those activities that do not require PCNs and are eligible for self-verification, permittees must complete and submit the SVNf provided at Section V to the Corps for work authorized by these GPs. See the SVNf for submittal requirements and timing.

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

- For Self-Verification: The SVNf. See GC 31.

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<sup>15</sup> See the Corps "Vernal Pool Assessment" document and the accompanying "Vernal Pool Characterization Form" at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Vernal Pools. The form is only required if there is a discharge in the VP, but the Corps may otherwise require the form on a case-by-case basis.

<sup>16</sup> See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Mitigation. The June 2009 "Corps of Engineers Invasive Species Policy" provides policy, goals and objectives and is located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Invasive Species. Additional information can be found at: [www.eddmaps.org/ipane](http://www.eddmaps.org/ipane).

- For PCN: The a) Work-Start Notification Form, b) Compliance Certification Form, and/or c) Mitigation Work-Start Notification Form whenever these forms are provided with the authorization letter.

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

**34. 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.

**35. Transfer of GP Verifications.** If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the GP verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of these GPs and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

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(Transferee)

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(Date)

**36. Modification, Suspension, and Revocation.** These GPs or any work authorized under these GPs by self-verification or PCN 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.

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

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

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

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

**41. Previously Authorized Activities**

- a. Activities that were authorized and completed in accordance with previous GPs or nationwide permits are not affected by these GPs and continue to be authorized in accordance with the original terms and conditions of those authorizations, including their terms, general conditions, expiration date, and any special conditions in a written verification.
- b. Activities authorized pursuant to 33 CFR 330.3 (“Activities occurring before certain dates”) are not affected by this GP.

**42. Duration of Authorization**

- a. These GPs expire on [INSERT DATE UPON ISSUANCE]. Activities authorized under GPs 1 - 23 that have either commenced (i.e., are under construction) or are under contract to commence before these GPs expire will have until [INSERT DATE UPON ISSUANCE] to complete the activity under the terms and conditions of the current GPs. The permittee must be able to document to the Corps’ satisfaction that the project was under construction or under contract by the appropriate date. If work is not completed within the one year extended timeframe nor SV eligible under any subsequently issued GPs, the permittee must contact the Corps to discuss obtaining a separate Corps authorization to complete the work.
- b. Activities completed under these GPs will continue to be authorized unless special conditions require removal of the authorized work and restoration of the affected area after a specified time period.

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**DISTRICT ENGINEER**

**DATE**



## V: Self-Verification Notification Form

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

### US Army Corps of Engineers®

New England District

Complete **all** fields (write "none" if applicable) below or use the fillable form at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State **General Permits** >> Massachusetts. Send this form and the existing plans to the address below, fax to (978) 318-8303, or email to [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil) before work within Corps jurisdiction commences unless otherwise specified. Please call (978) 318-8338 with questions.

Regulatory Division  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

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

Project Location (provide detailed description if necessary): \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Latitude/Longitude Coordinates (if address doesn't exist): \_\_\_\_\_  
Waterway Name: \_\_\_\_\_

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

Project Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

(continued on next page)

Aggregate total wetland impact area\*: temporary\_\_\_\_\_SF permanent\_\_\_\_\_SF  
Aggregate total waterway impact area\*: temporary\_\_\_\_\_SF permanent\_\_\_\_\_SF  
(\*leave blank if work involves structures only)

Does your project include any secondary impacts? (See General Condition 3.) Yes\_\_\_\_\_ No\_\_\_\_\_  
If yes, describe here: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Work Dates: Start: \_\_\_\_\_ Finish: \_\_\_\_\_

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

Permittee Printed Name: \_\_\_\_\_

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## VI: Content of Pre-Construction Notification

Applicants may email applications to [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil). In addition to the following required information, the applicant must provide additional information as the Corps deems essential to make a public interest determination including, where applicable, a determination of compliance with the §404(b)(1) guidelines or ocean dumping criteria. Such additional information may include environmental data and information on alternate methods and sites as may be necessary for the preparation of the required environmental documentation. For a more comprehensive checklist, go to [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Forms >> Application and Plan Guideline Checklist. Please check with the Corps for project-specific requirements.

### 1. Activities located upon or which may affect Corps Civil Works Projects:

- ☐ For any activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps. See GC 7(a).

### 2. Information required for all projects:

- ☐ Corps application form ([ENG Form 4345](#)) or appropriate State application form (). The MassDEP WQC, Chapter 91 application form and Notice of Intent are not acceptable as application forms for Department of the Army permits.
- ☐ Drawings, sketches, or plans that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), to scale, and no larger than 11"x17". Numeric and graphic/bar scales must agree and plan details must be measurable using a standard engineer's scale on printed plans. Reduced plans are not acceptable. Wetland area impact sheets should have the highest resolution possible to show work within Corps jurisdiction. Provide a color locus map and a plan overview of the entire property with a key index to the individual impact sheets. The locus map on a section of color USGS topographic map is encouraged. Digital submissions in PDF format are encouraged.
- ☐ Include:
  - ☐ Any required information as stated throughout this GP document.
  - ☐ All direct, indirect, secondary, permanent and temporary effects the project would cause, including the anticipated area of impacts to waters of the U.S. expected to result from the activity, in square feet, acres, linear feet, or other appropriate unit of measure.
  - ☐ Any historic permanent fill previously authorized by the Corps and the date of authorization.
  - ☐ Cross-section views of all wetland and waterway fill areas and wetland replication areas.
  - ☐ Delineation of all wetlands, other special aquatic sites (vegetated shallows, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Use Federal delineation methods and include Corps wetland delineation data sheets (see GC 2).
  - ☐ The MLLW, MHW and HTL elevations in tidal waters, and OHW elevation in lakes and

non-tidal streams.

- ☐ Existing vs. proposed conditions.
- ☐ For vegetated shallow and eelgrass survey guidance, see [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance for the New England Region.
- ☐ Show all known VPs on the project site. See GC 26 for vernal pool identification requirements.
- ☐ 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, waterward of OHW in inland waters and the HTL in coastal waters.
- ☐ The name(s) of any species or critical habitat listed on the Federal threatened or endangered species list, present in the action area and any other required information (see GC 8).
- ☐ A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 16).

### **3. Information that may be required:**

- ☐ Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
- ☐ For drawings, sketches, or plans:
  - ☐ The vertical datum for all coastal projects must be in U.S. survey feet and referenced to MLLW and current tidal epochs, with a *reference chart showing conversion factor* to NAVD88; do not use local datum. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Forms and Publications >> Vertical Datum - FEMA (Jul 2007);
  - ☐ The horizontal state plane coordinates in U.S. survey feet and based on the appropriate state plane coordinate system.
- ☐ For the construction of a filled area or pile or float-supported platform, the use of, and specific structures to be erected on, the fill or platform.
- ☐ For the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposing of it in ocean waters, the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of the disposal site.
- ☐ For the discharge of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized. Include either a statement describing how impacts to waters of the U.S. are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
- ☐ Purpose and need for the proposed activity;
- ☐ Limits and coordinates of any Federal Navigation Project in the vicinity of the project area.
- ☐ Limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide coordinates for all corners;
- ☐ Schedule of construction/activity;
- ☐ Location and dimensions of adjacent structures;
- ☐ *Invasive Species Control Plan* (see GC 26). For sample control plans, see [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Invasive Species.

**4. Information that may be required for dredging projects:**

- ☐ Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols. Sampling and testing of sediments without such contact should not occur and if done, would be at the applicant's risk.
- ☐ The area in square feet and volume of material to be dredged below mean high water.
- ☐ Existing and proposed water depths.
- ☐ Type of dredging equipment to be used.
- ☐ Nature of material (e.g., silty sand).
- ☐ Any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects.
- ☐ Information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area.
- ☐ Shellfish survey.
- ☐ Location of the disposal site (include locus sheet).
- ☐ Identification and description of any potential impacts to Essential Fish Habitat.
- ☐ Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

**VII: SHPO/THPO Notification Form**  
(To be completed by the Corps)

The SHPO, BUAR and THPOs will contact the Corps if there is any potential for an effect on a historic property and the Corps will begin consultation. The Corps will use 33 CFR 325 Appendix C, including its "permit area" definition, to determine its scope of analysis for the consideration of historic properties. This is to ensure that work is done in a cost-effective manner, in accordance with Corps requirements and to mitigate effects to historic properties before the consultation requirements of §106 of the NHPA have been satisfied.

[File No.: Project Name]

Applicant: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Project Name: \_\_\_\_\_  
Project Location (provide detailed description if necessary): \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Latitude/Longitude Coordinates (if address doesn't exist): \_\_\_\_\_  
Waterway Name: \_\_\_\_\_  
Project Purpose: \_\_\_\_\_  
Work Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are any historic or archaeological properties known to exist within the project's area of potential effects? If so, specify. \_\_\_\_\_

Corps Project Manager: [Project Manager],  
[Phone No.]  
[E-mail address]

## VIII. DEFINITIONS AND ACRONYMS

### Definitions

**Artificial or Living Reef:** A structure which is constructed or placed in waters for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

**Attendant Features:** Occurring with or as a result of; accompanying.

**Biodegradable:** A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable under this GP.

**Boating facilities:** These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockminiums, municipal facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or municipal mooring fields that charge an equitable user fee based on the actual costs incurred.

**Brushing the Flats:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats, or any bottom disturbance (e.g., discing, plowing, raking, etc.), to enhance recruitment of shellfish.

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

**Construction mats:** Constructions, swamp and timber mats (herein referred to as "construction mats") are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they are installed temporarily or permanently.

**Cumulative Effects:** The changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual 1) discharges of dredged or fill material, or 2) structures. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230.11(g).

**Currently serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Direct Effects:** The loss of aquatic ecosystem within the footprint of the discharge of dredged or fill material. Direct effects are caused by the action and occur at the same time and place.

### **Dredging:**

**Maintenance Dredging:** Includes areas and depths previously authorized by the Corps and dredged. The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of accumulated sediment to maintain the design depths of serviceable navigation channels, harbors, marinas, boat launches and port facilities. Maintenance dredging is conducted for navigational purposes and does not include any expansion of the previously dredged area 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:** Dredging of an area or to a depth that has never been authorized by the Corps or dredged.

**Dredged material & discharge of dredged material:** These are defined at 33 CFR 323.2(c) and (d). The term dredged material means material that is excavated or dredged from waters of the U.S.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Expansions:** Work that increases the footprint of fill, structures or floats, or slip capacity.

**Essential Fish Habitat (EFH):** The Federal Magnuson-Stevens Fishery Management and Conservation Act broadly defines EFH to include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. See [www.greateratlantic.fisheries.noaa.gov/habitat](http://www.greateratlantic.fisheries.noaa.gov/habitat) for more information.

**Fill material & discharge of fill material:** These are defined at 33 CFR 323.2(e) and (f). The term fill material is defined as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water of the U.S.

**Federal anchorages:** See the definition of "Federal navigation projects."

**Federal channels:** See the definition of "Federal navigation projects."

**Federal navigation projects (FNPs):** These areas are maintained by the Corps; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and are comprised of Corps Federal anchorages, Federal channels and Federal turning basins. The buffer zone is equal to three times the authorized depth of a FNP. The following are FNPs in MA and more information, including the limits, is provided at [www.nae.usace.army.mil/missions/navigation](http://www.nae.usace.army.mil/missions/navigation) >>

Navigation Projects:

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

**Federal turning basin:** See the definition of "Federal navigation projects."

**Flume:** An open artificial water channel, in the form of a gravity chute, which leads water from a diversion dam or weir completely aside a natural flow. A flume can be used to measure the rate of flow.

**Frac out:** During normal drilling operations, drilling fluid travels up the borehole into a pit. When the borehole becomes obstructed or the pressure becomes too great inside the borehole, the ground fractures and fluid escapes to the surface.

**Independent utility:** A test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Indirect effects:** Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

**Individual Permit:** A Department of the Army authorization that is issued following a case-by-case evaluation of a specific structure or work in accordance with the procedures of 33 CFR 322, or a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR 323, and in accordance with the procedures of 33 CFR 325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR 320.

**Intertidal:** The area in between mean low water and the high tide line.

**Living Reef:** See the definition of “artificial or living reef.”

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

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

**Metallic mineral:** Any ore or material to be excavated from the natural deposits on or in the earth for its metallic mineral content to be used for commercial or industrial purposes. “Metallic mineral” does not include thorium or uranium.

**Minor deviations:** Deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards.

**Navigable waters of the U.S.:** See the definition of “waters of the U.S.”

**Nearshore disposal:** This is defined in the USACE Coastal Engineering Manual as “(1) In beach terminology an indefinite zone extending seaward from the shoreline well beyond the breaker zone. (2) The zone which extends from the swash zone to the position marking the start of the offshore zone, typically at water depths of the order of 20m.” A nearshore berm is an artificial berm built in shallow water using dredged material. Often, the berm is intended to renourish the adjacent and downdrift shore over time under the influence of waves and currents.

**Ordinary High Water Mark (OHW):** A line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas. See 33 CFR 328.3(e).

**Overall project:** See the definition of “single and complete linear project.”

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

**Permanent impacts:** Permanent impacts means waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody.

**Pre-construction notification (PCN):** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by these GPs. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. 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 these GPs.

**Real estate subdivision:** Includes circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said

parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: reestablishment and rehabilitation.

**Secondary effects:** These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final §404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are 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).

**Shellfish dredging:** Shellfish dredging typically consists of a net on a frame towed behind a boat to capture shellfish and leave the sediment behind. Dredges may skim the surface, utilize hydraulic jets, toothed rakes or suction apparatus.

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for the purposes of these GPs. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Single and complete non-linear project:** For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see the definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in a GP authorization.

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

**Streambed:** The substrate of the stream channel between the OHW marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the streambed, but outside of the OHW marks, are not considered part of the streambed.

**Stream channelization:** The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the U.S.

**Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

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

**Temporary impacts:** Temporary impacts include waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity.

**Tide gates:** Structures such as duckbills, flap gates, manual and self-regulating tide gates, etc. that regulate or prevent upstream tidal flows.

**Utility line:** Any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term 'utility line' does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

**Vegetated shallows:** Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass and widgeon grass (*Ruppia maritima*) in marine systems (does not include salt marsh) as well as a number of freshwater species in rivers and lakes. These are a type of SAS defined at 40 CFR 230.43. Vegetated shallows are also commonly referred to as submerged aquatic vegetation or SAV. Survey guidance is located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance.

**Vernal pools (VPs):** For the purposes of these GPs, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). In most years, VPs support one or more of the following obligate indicator species: wood frog, spotted salamander, blue-spotted salamander, marbled salamander, Jefferson's salamander and fairy shrimp. However, they should preclude sustainable populations of predatory fish. VP areas are:

- Depression (includes the VP depression up to the spring or fall high water mark, and includes any vegetation growing within the depression),
- Envelope (area within 0-100 feet of the VP depression's edge), and
- Critical terrestrial habitat (area within 100-750 feet of the VP depression's edge).

The envelope and critical terrestrial habitat protect the water quality of the breeding site (e.g., providing shade, leaf litter, and coarse woody material) and support the non-larval life-cycle stages of amphibian species. Note: The Corps may determine that a waterbody should not be designated as a VP based on available evidence.

**Water diversions:** Water diversions are activities such as bypass pumping (e.g., "dam and pump") or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.

**Weir:** A barrier across a river designed to alter the flow characteristics. In most cases, weirs take the form of a barrier, smaller than most conventional dams, across a river that causes water to pool behind the structure (not unlike a dam) and allows water to flow over the top. Weirs are commonly used to alter the flow regime of the river, prevent flooding, measure discharge and help render a river navigable.

### **Waters of the United States (U.S.)**

33 CFR 320.1(d) states, "The terms "navigable waters of the United States" and "waters of the United States" are used frequently throughout these regulations, and it is important from the outset that the reader understand the difference between the two.

"Navigable waters of the United States" are generally defined as "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce." Further information for identifying navigable waters of the U.S. is provided in 33 CFR 329. These are waters that are navigable in the traditional sense where permits are required for certain work or structures pursuant to §§ 9 and 10 of the Rivers and

Harbors Act of 1899. These waters include the following federally designated navigable waters in Massachusetts: Merrimack River, Connecticut River, and Charles River to the Watertown Dam. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list should not be taken as an indication that the waterbody is not navigable.

“**Waters of the U.S.**” are defined in 33 CFR 328. These waters include more than navigable waters of the U.S. and are the waters where permits are required for the discharge of dredged or fill material pursuant to §404 of the Clean Water Act. Waters of the U.S. include jurisdictional wetlands. Contact the Corps with any questions regarding waters and wetlands subject to Clean Water Act jurisdiction.

### **Acronyms**

BMPs	Best Management Practices
BUAR	Board of Underwater Archaeological Resources
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CWA	Clean Water Act
CZM	Coastal Zone Management
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
EFH	Essential Fish Habitat
FNP	Federal Navigation Project
GC	General condition
GP	General permit
HTL	High Tide Line
IP	Individual Permit
LID	Low impact development
MassDEP	Massachusetts Department of Environmental Protection
MA DMF	Massachusetts Division of Marine Fisheries
MA NHESP	Natural Heritage and Endangered Species Program
MHC	Massachusetts Historical Commission
MHHW	Mean Higher High Water
MHW	Mean High Water
MLLW	Mean Lower Low Water
MLW	Mean Low Water
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
OHW	Ordinary High Water
PCN	Preconstruction notification
SAS	Special aquatic sites
SF	Square Feet
SV	Self-verification
STURAA	Surface Transportation and Uniform Relocation Assistance Act
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
TOY	Time of year
USFWS	U.S. Fish and Wildlife Service
USCG	U.S. Coast Guard
USGS	U.S. Geological Service
VP	Vernal pool
WPA	Wetlands Protection Act
WQC	Water Quality Certification

## Part IX: Contacts and Tribal Areas of Interest

### 1. Federal

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

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

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

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

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

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

### 2. State of Massachusetts

#### Department of Environmental Protection (MassDEP)

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

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

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

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

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

#### Massachusetts Office of Coastal Zone Management (CZM)

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

### 3. Historic Resources:

a. Massachusetts Historical Commission (MHC)

The Massachusetts Archives Bldg.

220 Morrissey Boulevard

Boston, MA 02125

(617) 727-8470 (phone); (617) 727-5128 (fax)

Area of concern: The entire Commonwealth of Massachusetts

b. Massachusetts Board of Underwater Archaeological Resources (BUAR)

251 Causeway Street, Suite 800

Boston, MA 02114

(617) 626-1141 (phone); (617) 626-1240 (fax); [victor.mastone@state.ma.us](mailto:victor.mastone@state.ma.us)

Area of concern: All Massachusetts lakes, ponds, rivers and navigable waters.

c. Tribal Historic Preservation Officers (THPOs)

Tribal Historic Preservation Officer

Wampanoag Tribe of Gay Head (Aquinnah)

20 Black Brook Road

Aquinnah, MA 02535

(508) 645-9265, x175 (phone); (508) 645-3790 (fax); [bettina@wampanoagtribe.net](mailto:bettina@wampanoagtribe.net)

Area of concern: The entire Commonwealth of Massachusetts

Tribal Historic Preservation Officer

Mashpee Wampanoag Tribe

483 Great Neck Road South

Mashpee, MA 02649

(508) 477-0208, x101 (phone); (508) 477-1218 (fax); [rpeters@mwtribe.com](mailto:rpeters@mwtribe.com)

Area of concern: The entire Commonwealth of Massachusetts

Tribal Historic Preservation Officer

Stockbridge-Munsee Mohican Tribal Historic Preservation, New York Office

65 1st Street

Troy, NY 12180

(518) 244-3164 (phone); [bonney.hartley@mohican-nsn.gov](mailto:bonney.hartley@mohican-nsn.gov)

Area of concern: West of Connecticut River

Tribal Historic Preservation Officer

Narragansett Indian Longhouse

4425 South County Trail

Charlestown, RI 02813

(401) 491-9459 (phone); (401) 862-5106 (cell); (413) 325-7691 (cell); (401) 491-9458 (fax)

[brwnjbb123@aol.com](mailto:brwnjbb123@aol.com), [dhnthpo@gmail.com](mailto:dhnthpo@gmail.com)

Area of Concern: Boston and its surrounding neighborhoods; Lynn; Newton; these cities and towns in Plymouth County (Carver, Duxbury, Hingham, Kingston, Marshfield, Middleborough, Plymouth, Plympton, Scituate); these cities and towns in Norfolk County (Milton, Quincy, Braintree, Randolph, Canton, Sharon and Foxborough); the Blackstone River valley and the cities and towns west of Worcester (which are those including and west of Ashburnham, Westminster, Princeton, Holden, Paxton, Leicester, Oxford and Webster).