CONTRACT & SPECIFICATIONS

FOR

MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS
MEDDYBEMPS, MAINE
BGS No. 3393

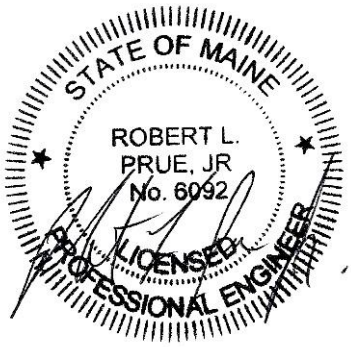
PINE TREE ENGINEERING, INC.
BATH, MAINE

CONTRACT & SPECIFICATIONS

FOR

MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS
MEDDYBEMPS, MAINE

February 2026



PINE TREE ENGINEERING, INC.
BATH, MAINE

Project No. 21020
BGS No. 3393

TABLE OF CONTENTS

DIVISION 00

00 11 13
Notice to Contractors

Meddybemps Lake Boating Facility Renovations BGS Project No. 3393

The project includes removal and replacement of the precast concrete ramp planks, precast concrete curb, riprap installation, installing erosion control measures, hot mix asphalt paving, installing a precast concrete pad for a portable toilet, and other miscellaneous related items at the Meddybemps Lake Boating Facility in Meddybemps, Maine. Meddybemps Lake will be drawn down from July 1, 2026 to September 30, 2026. The lake level is expected to be lowered by 2 to 2.5 feet from the normal summer level.

The contract shall designate the Substantial Completion Date on or before *21 August 2026*, and the Contract Final Completion Date on or before *28 August 2026. Work can begin on or after 15 July 2026*.

1. Submit bids on a completed Contractor Bid Form (section 00 41 13), provided in the Bid Documents, include bid security when required, and scan each item as an attachment to an email addressed to: BGS.Architect@Maine.gov, so as to be received no later than **1:30 p.m.** on ***18 March 2026***. The email subject line shall be marked "**Bid for *Meddybemps Lake Boating Facility Renovations***".

   Bid submissions will be opened and read aloud at **2:00 p.m.** on the date noted above at the Bureau of General Services office, accessible as a video conference call. Those who wish to participate in the call must submit a request for access to BGS.Architect@Maine.gov.

   Any bid received after the noted time will not be considered a valid bid and will remain unopened. Any bid submitted by any other means will not be considered a valid bid. In certain circumstances, the Bureau of General Services may require the Bidder to surrender a valid paper copy of the bid form or the bid security document. The Owner reserves the right to accept or reject any or all bids as may best serve the interest of the Owner.

2. Questions and comments on the *bid opening process* shall be addressed to: Division of Planning, Design & Construction, Bureau of General Services, 77 State House Station, Augusta, Maine 04333-0077, BGS.Architect@Maine.gov.

3. Questions and comments regarding the *project* design specifications or drawings shall be directed in writing to the Consultant during the bid period prior to the question and comment deadline of 5:00 p.m. on *13 March 2026*.

   Pine Tree Engineering, Inc.
   Robert L. Prue, P.E.
   rprue@pte-maine.com

4. ☒ Bid security is required on this project.
   The Bidder shall include a satisfactory Bid Bond (section 00 43 13) or a certified or cashier's check for 5% of the bid amount with the completed bid form submitted to the Owner. The Bid Bond form is available on the BGS website.
   or
   ☐ Bid security is <u>not</u> required on this project.

00 11 13
Notice to Contractors

5. ☒ Performance and Payment Bonds are required on this project.
   If noted above as required, or if any combination of Base Bid and Alternate Bids amounts selected in the award of the contract exceeds $125,000.00, the selected Contractor shall furnish a 100% contract Performance Bond (section 00 61 13.13) and a 100% contract Payment Bond (section 00 61 13.16) in the contract amount to cover the execution of the Work. Bond forms are available on the BGS website.
   or
   ☐ Performance and Payment Bonds are not required on this project.

6. Filed Sub-bids *are not required* on this project.

7. ☐ Pre-qualified General Contractors are utilized on this project.

   or
   ☒ Pre-qualified General Contractors are not utilized on this project.

8. ☐ An on-site pre-bid conference (☐ *mandatory* or ☐ *optional*) will be conducted for this project. The pre-bid conference is intended for General Contractors. Subcontractors and suppliers are welcome to attend. Contractors who arrive late or leave early for a mandatory meeting may be prohibited from participating in this meeting and bidding.

   or
   ☒ An on-site pre-bid conference will not be conducted for this project.

9. Bid Documents - full sets only - will be available on or about *25 February 2026* and may be obtained from:
   Pine Tree Engineering, Inc.
   53 Front Street Bath, Maine 04530
   (207) 443-1508 - pte@pte-maine.com

   At the BGS website: https://www.maine.gov/dafs/bgs/business-opportunities.

10. Bid Documents may be examined at:
    AGC Maine
    188 Whitten Road, Augusta, ME 04330
    207-622-4741

    Construction Summary
    734 Chestnut Street, Manchester, NH 03104
    603-627-8856

00 21 13
Instructions to Bidders

1. Bidder Requirements

1.1 A bidder is a Contractor which is evidently qualified, or has been specifically pre-qualified by the Bureau of General Services, to bid on the proposed project described in the Bid Documents.

1.2 Contractors and Subcontractors bidding on projects that utilize Filed Sub-bids shall follow the requirements outlined in these Bid Documents for such projects. See Section 00 22 13 for additional information.

1.3 Contractors and Subcontractors are not eligible to bid on the project when their access to project design documents prior to the bid period distribution of documents creates an unfair bidding advantage. Prohibited access includes consultation with the Owner or with design professionals engaged by the Owner regarding cost estimating, constructability review, or project scheduling. This prohibition to bid applies to open, competitive bidding or pre-qualified contractor bidding or Filed Sub-bidding. The Bureau may require additional information to determine if the activities of a Contractor constitute an unfair bidding advantage.

1.4 Each bidder is responsible for becoming thoroughly familiar with the Bid Documents prior to submitting a bid. The failure of a bidder to review evident site conditions, to attend available pre-bid conferences, or to receive, examine, or act on addenda to the Bid Documents shall not relieve that bidder from any obligation with respect to their bid or the execution of the work as a Contractor.

1.5 Prior to the award of the contract, General Contractor bidders or Filed Sub-bidders may be required to provide documented evidence to the Owner or the Bureau showing compliance with the provisions of this section, their business experience, financial capability, or performance on previous projects.

1.6 The selected General Contractor bidder will be required to provide proof of insurance before a contract can be executed.

1.7 Contracts developed from this bid shall not be assigned, sublet or transferred without the written consent of the Owner.

1.8 By submitting a bid the Contractor attests that it has not been declared ineligible to bid on State of Maine projects. The Director of the Bureau of General Services may disallow award of this contract to any Contractor if there is evidence that the Contractor or any of its Subcontractors, through their own fault, have been terminated, suspended for cause, debarred from bidding, agreed to refrain from bidding as part of a settlement, have defaulted on a contract, or had a contract completed by another party.

1.9 The Contractor attests that it is not presently indicted for or otherwise criminally or civilly charged by a Federal, State or local government entity with commission of any of the following offenses and has not within a three-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction, or contract under a public transaction, violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

1.10 The Contractor shall not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs or State of Maine projects.

2. Authority of Owner

2.1 The Owner reserves the right to accept or reject any or all bids as may best serve the interest of the Owner.

2.2 Subject to the Owner's stated right to accept or reject any or all bids, the Contractor shall be selected on the basis of the lowest dollar value of an acceptable Base Bid, or any combination of Base Bid plus Alternate Bids, as well as other limited cost modifications the Owner determines may best serve the interests of the Owner. An acceptable bid is a duly submitted bid from a responsive and responsible bidder.

2.3 The Owner reserves the right to require Bid Bonds or Performance and Payment Bonds for any project of any contract value.

3. Submitting Bids and Bid Requirements

3.1 Each bid shall be submitted on the forms provided in the Bid Documents.

3.2 Each bid shall be valid for a period of thirty calendar days following the Project bid closing date and time. The bid expiration date may be extended in unusual circumstances by mutual consent of the Bidder and the Owner. The bid amount shall not be modified due to the bid expiration date extension.

3.3 Any provision contained in a bid which shows cost escalation, or any modification of schedule or other requirements shall not be accepted. Such a provision causes the bid to be invalid, or, at the discretion of the Owner and BGS, that element of the bid submission may be disregarded for the purpose of awarding the contract without that provision.

3.4 Bidders shall include a Bid Bond or other approved bid security with the bid form submitted to the Owner when the bid form indicates such bid security is required. The bond value shall be 5% of the bid amount. The form of bond is shown in section 00 43 13.

3.5 Bidders recognize that inclusion of contract bonds and the cost of those bonds is dependent on the awarded contract dollar value. Therefore, a Base Bid, or any combination of Base Bid plus Alternate Bids, as well as other limited cost modifications, resulting in a contract award shall include the cost of Performance and Payment Bonds in the submitted bid amount when the construction contract value is over $125,000.00. Similarly, the cost of Performance and Payment Bonds is excluded in the submitted bid amount when the construction contract value is $125,000.00 or less unless bonds are specifically required by the Bid Documents. When required for the project, the selected Contractor shall provide these bonds before a contract can be executed, pursuant to 14 M.R.S.A., Section 871, Public Works Contractors' Surety Bond Law of 1971, subsection 3. The form of bonds is shown in section 00 61 13.13 and 00 61 13.16.

3.6 Bidders may modify bids in writing, by the same means as the original bid submission, prior to the bid closing time. Such written amendments shall not disclose the amount of the initial bid. If so disclosed, the entire bid is considered invalid.

3.7 Bidders implicitly acknowledge all Addenda issued when they submit the bid form. By usual practice the Consultant shall not issue Addenda less than 72 hours prior to the bid closing time, to allow ample time for bidders to incorporate the information. However, some information, such as extending the bid due date and time, may be issued with shorter notice. Addenda shall be issued to all companies who are registered holders of Bid Documents.

3.8 A bid may be withdrawn without penalty if a written request by the bidder is presented to the Owner prior to the bid closing time. Such written withdrawal requests are subject to verification as required by the Bureau.

A bid may be withdrawn without penalty after the bid closing time if, in the determination of the Bureau, evidence provided by the Contractor shows an apparent unintended error such as a miscalculation, or an erroneous number on estimating documents, was the cause of an inaccurate bid. The Bureau may allow withdrawal in consideration of the bid bond or, without utilizing a bid bond, if the Bureau considers documented evidence provided by the Contractor shows factual errors had been made on the bid form.

3.9 In the event State of Maine Offices unexpectedly close on the published date of a public bid opening in the location of that bid opening, prior to the time of the scheduled deadline, the new deadline for the public bid opening will be the following business day at the originally scheduled hour of the day, at the original location. Official closings are posted on the State of Maine government website.

3.10 The Owner may require, in a Notice of Intent to Award letter to the apparent low bidder, a Schedule of Values, Project Schedule, and List of Subcontractors and Suppliers as both a demonstration of capability of the Bidder and as a condition of award.

3.11 Projects which require a State of Maine wage determination will include that schedule as part of the Bid Documents. See section 00 73 46, if such rates are required.

3.12 Projects which require compliance with the Davis-Bacon Act are subject to the regulations contained the Code for Federal Regulations and the federal wage determination which is made a part of the Bid Documents. See section 00 73 46, if such rates are required.

3.13 The Owner is exempt from the payment of Maine State sales and use taxes as provided in 36 M.R.S. §1760 (1). The Contractor and Subcontractors shall not include taxes on exempt items in the construction contract.

00 41 13
Contractor Bid Form

Meddybemps Lake Boating Facility Renovations BGS Project No. 3393

Bid Form submitted by: *email only to email address below*

Bid Administrator:

Paul Barber,Project Manager/Contract Administrator BGS.Architect@Maine.gov
Bureau of General Services
111 Sewall Street, Cross State Office Building, 4th floor
77 State House Station
Augusta, Maine 04333-0077

Bidder:

Signature: _____

Printed name and title: _____

Company name: _____

Mailing address: _____

City, state, zip code: _____

Phone number: _____

Email address: _____

State of incorporation, if a corporation: _____

List of all partners, if a partnership: _____

The Bidder agrees, if the Owner offers to award the contract, to provide any and all bonds and certificates of insurance, as well as Schedule of Values, Project Schedule, and List of Subcontractors and Suppliers if required by the Owner, and to sign the designated Construction Contract within twelve calendar days after the date of notification of such acceptance, except if the twelfth day falls on a State of Maine government holiday or other closure day, or a Saturday, or a Sunday, in which case the aforementioned documents must be received before 12:00 noon on the first available business day following the holiday, other closure day, Saturday, or Sunday.

As a guarantee thereof, the Bidder submits, together with this bid, a bid bond or other acceptable instrument as and if required by the Bid Documents.

00 41 13
Contractor Bid Form

1. The Bidder, having carefully examined the *Meddybemps Lake Boating Facility Renovations* Project Manual dated *February 2026*, prepared by *Pine Tree Engineering, Inc.*, as well as Specifications, Drawings, and any Addenda, the form of contract, and the premises and conditions relating to the work, proposes to furnish all labor, equipment and materials necessary for and reasonably incidental to the construction and completion of this project for the **Base Bid** amount of:

   $ _____ .00

2. Allowances *are not included* on this project.
   No Allowances

1	*Not Used*	$ *0*.00
2	*Not Used*	$ *0*.00
3	*Not Used*	$ *0*.00
4	*Not Usednsert brief name of Allowance or "Not Used"*	$ *0*.00

3. Alternate Bids *are not included* on this project.
   No Alternate Bids
   Any dollar amount line below that is left blank by the Bidder shall be read as a bid of **$0.00**.

1	*Not Used*	$ _____ .00
2	*Not Used*	$ _____ .00
3	*Not Used*	$ _____ .00
4	*Not Used*	$ _____ .00

4. Bid security *is required* on this project.
   If noted above as required, or if the Base Bid amount exceeds $125,000.00, the Bidder shall include with this bid form a satisfactory Bid Bond (section 00 43 13) or a certified or cashier's check for 5% of the bid amount with this completed bid form submitted to the Owner.

5. Filed Sub-bids *are not required* on this project.
   If noted above as required, the Bidder shall include with this bid form a list of each Filed Sub-bidder selected by the Bidder on the form provided (section 00 41 13F).

00 43 13
Contractor Bid Bond

Bond No.: **insert bond number**

We, the undersigned, ***insert company name of Contractor***, ***select type of entity*** of ***insert name of municipality*** in the State of ***insert name of state*** as principal, and ***insert name of surety*** as Surety, are hereby held and firmly bound unto ***select title of obligee*** in the penal sum of ***five percent of the bid amount***, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, signed this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the first specified bid due date, or subsequent bid due date revised by addendum.

The condition of the above obligation is such that whereas the principal has submitted to the Owner, or State of Maine, to a certain bid, attached hereto and hereby made a part hereof, to enter into a contract in writing, for the construction of ***insert name of project as designated in the contract documents***

Now therefore:

If said bid shall be rejected, or, in the alternate,

If said bid shall be accepted and the principal shall execute and deliver a contract in the form of contract attached hereto, properly completed in accordance with said bid, and shall furnish a bond for the faithful performance of said contract, and for the payment of all persons performing labor or furnishing material in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be void.

Otherwise, the same shall remain in force and effect- it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received hereby stipulates and agrees that the obligation of said Surety and its bonds shall be in no way impaired or affected by any extension of the time within which the Obligee may accept such bid and said Surety does hereby waive notice of any such extension.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

00 43 13
Contractor Bid Bond

In witness whereof, the principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set above.

Signed and sealed this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the first specified bid due date, or subsequent bid due date revised by addendum.

Contractor

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

Surety

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

If Contractor is a partnership, all partners shall execute the bond. A power of attorney document indicating that it still is in full force and effect shall be provided by the person executing this bond.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

AdvantageME CT# _____

State of Maine
CONSTRUCTION CONTRACT

Large Construction Project

This form is used when the Contract value is $50,000 or greater.
The Project Manual, Specifications and Drawings, and any Addenda are considered part of this Contract.

Agreement entered into by and between the ***contracting entity name*** hereinafter called the ***Owner*** and ***Contractor company name*** hereinafter called the ***Contractor***.

BGS Project No.: ***number assigned by BGS*** Other Project No.: _____

For the following Project: ***title of project as shown on bid documents*** at ***facility or campus name***, ***municipality***, Maine.

The Specifications and the Drawings have been prepared by ***Consultant firm name***, acting as Professional-of-Record and named in the documents as the Consultant Architect or Engineer.

The *Owner* and *Contractor* agree as follows:

ARTICLE 1 COMPENSATION AND PAYMENTS

1.1 The Owner shall pay the Contractor to furnish all labor, equipment, materials and incidentals necessary for the construction of the Work described in the Specifications and shown on the Drawings the Contract Amount as shown below.

Base Bid	*$0.00*
Alternate Bid number and name or "no Alternates"	*$0.00*
Alternate Bid number and name or "no Alternates"	*$0.00*
Alternate Bid number and name or "no Alternates"	*$0.00*
Alternate Bid number and name or "no Alternates"	*$0.00*
Alternate Bid number and name or "no Alternates"	*$0.00*
Total Contract Amount	***$0.00***

1.2 The Contractor's requisition shall contain sufficient detail and supporting information for the Owner to evaluate and support the payment requested.

1.2.1 Payments are due and payable twenty-five working days from the date of receipt of a Contractor requisition which is approved by the Owner.

1.2.2 Provisions for late payments are governed by 5 M.R.S. Chapter 144, *Payment of Invoices Received from Business Concerns*, and interest shall be calculated at 1% per month.

ARTICLE 2 COMMENCEMENT AND COMPLETION DATES

2.1 The Work of this Contract shall commence no sooner than the date this document is executed by the approval authority, or a subsequent date designated in the contract documents.

2.2 The Substantial Completion Date shall be _____.

2.3 The Work of this Contract shall be completed on or before the Contract Final Completion Date of _____.

2.4 The Contract Expiration Date shall be _____. (This date is the Owner's deadline for internal management of contract accounts. The Contract Expiration Date does not directly relate to any contract obligation of the Contractor.)

ARTICLE 3 INELIGIBLE BIDDER

3.1 By signing this contract the Contractor attests that it has not been declared ineligible to bid on State of Maine projects. The Bureau of General Services may disallow award of this contract to any Contractor if there is evidence that the Contractor or any of its Subcontractors, through their own fault, have been terminated, suspended for cause, debarred from bidding, agreed to refrain from bidding as part of a settlement, have defaulted on a contract, or had a contract completed by another party.

3.2 By signing this contract the Contractor attests that it is not presently indicted for or otherwise criminally or civilly charged by a Federal, State or local government entity with commission of any of the following offenses and has not within a three-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction, or contract under a public transaction, violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

3.3 The Contractor shall not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs or State of Maine projects.

ARTICLE 4 CONTRACTOR'S RESPONSIBILITIES

4.1 On this project, the Contractor ***shall*** furnish the Owner the appropriate contract bonds in the amount of 100% of the Contract Sum. Contract bonds are mandated if the Contract Sum exceeds $125,000, or if bonds are specifically required by the Contract Documents.

4.2 The Contractor shall comply with all laws, codes and regulations applicable to the Work.

4.3 The Contractor shall acquire all permits and third-party approvals applicable to the Work not specifically identified as provided by the Owner. Costs for Contractor-provided permits and third-party approvals shall be included in the Contract Sum identified in Section 1.1 above.

4.4 The Contractor shall remain an independent agent for the duration of this Contract, shall not become an employee of the State of Maine, and shall assure that no State employee will be compensated by, or otherwise benefit from, this Contract.

4.5 The Contractor shall be responsible for any design cost, construction cost, or other cost incurred on the Project to the extent caused by the negligent acts, errors or omissions of the Contractor or their Subcontractors in the performance of Work under this Contract.

ARTICLE 5 OWNER'S RESPONSIBILITIES

5.1 The Owner shall provide full information about the objectives, schedule, constraints and existing conditions of the project. The Owner has established a budget with reasonable contingencies that meets the project requirements.

5.2 By signing this contract, the Owner attests that all State of Maine procurement requirements for this contract have been met, including the solicitation of competitive bids.

ARTICLE 6 INSTRUMENTS OF SERVICE

6.1 The Contractor's use of the drawings, specifications and other documents known as the Consultant's Instruments of Service is limited to the execution of the Contractor's scope of work of this project unless the Contractor receives the written consent of the Owner and Consultant for use elsewhere.

ARTICLE 7 MISCELLANEOUS PROVISIONS

7.1 This Contract shall be governed by the laws of the State of Maine.

7.2 The Owner and Contractor, respectively, bind themselves, their partners, successors, assigns and legal representatives to this Contract. Neither party to this Contract shall assign the Contract as a whole without written consent of the other party, which consent the Owner may withhold without cause.

7.3 Notwithstanding any other provision of this Agreement, if the Owner does not receive sufficient funds to fund this Agreement or funds are de-appropriated, or if the Owner does not receive legal authority from the Maine State Legislature or Maine Courts to expend funds intended for this Agreement, then the Owner is not obligated to make payment under this Agreement; provided, however, the Owner shall be obligated to pay for services satisfactorily performed prior to any such non-appropriation in accordance with the termination provisions of this Agreement. The Owner shall timely notify the Contractor of any non-appropriation and the effective date of the non-appropriation.

ARTICLE 8 CONTRACT DOCUMENTS

8.1 The Project Manual, Specifications and Drawings, and any Addenda, together with this agreement, form the contract. Each element is as fully a part of the Contract as if hereto attached or herein repeated.

8.2 Specifications: ***indicate date of issuance of project manual***

8.3 Drawings: ***note here or attach each sheet number and title***

8.4 Addenda: ***note each addenda number and date, or "none"***

BGS Project No.: _____

The Contract is effective as of the date executed by the approval authority.

OWNER	**CONTRACTOR**
Signature *Date* *name and title* *name of contracting entity* *address* *telephone* *email address*	*Signature* *Date* *name and title* *name of contractor company* *address* *telephone* *email address* *Vendor Number*

Indicate the names of the review and approval individuals appropriate to the approval authority.

select proper approval authority	
Reviewed by:	**Approved by:**
Signature *Date* *insert name*	*Signature* *Date* *John Kenney, P.E.*
Project Manager/ Contract Administrator	*Director, Planning Design and Construction Division (PDCD)*

00 61 13.13
Contractor Performance Bond

Bond No.: **insert bond number**

We, the undersigned, ***insert company name of Contractor***, ***select type of entity*** of ***insert name of municipality*** in the State of ***insert name of state*** as principal, and ***insert name of surety*** as Surety, are hereby held and firmly bound unto ***select title of obligee*** in the penal sum of the Contract Price $ ***insert the Contract Price in numbers*** for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of the above obligation is such that if the principal shall promptly and faithfully perform the contract entered into this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the notice of intent to award letter, or in the absence of such a letter, not later than the date the Owner signs the construction contract, for the construction of ***insert name of project as designated in the contract documents***, then this obligation shall be null and void.

Otherwise, the same shall remain in force and effect- it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received hereby stipulates and agrees that the obligation of said Surety and its bonds shall be in no way impaired or affected by any extension of the time which the Obligee may accept during the performance of the contract and said Surety does hereby waive notice of any such extension.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

00 61 13.13
Contractor Performance Bond

In witness whereof, the principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set above.

Signed and sealed this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the notice of intent to award letter, or in the absence of such a letter, not later than the date the Owner signs the construction contract.

Contractor

_____

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

Surety

_____

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

If Contractor is a partnership, all partners shall execute the bond. A power of attorney document indicating that it still is in full force and effect shall be provided by the person executing this bond.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

00 61 13.16
Contractor Payment Bond

Bond No.: **insert bond number**

We, the undersigned, ***insert company name of Contractor***, ***select type of entity*** of ***insert name of municipality*** in the State of ***insert name of state*** as principal, and ***insert name of surety*** as Surety, are hereby held and firmly bound unto ***select title of obligee*** in the penal sum of the Contract Price $ ***insert the Contract Price in numbers*** for the use and benefit of claimants, defined as an entity having a contract with the principal or with a subcontractor of the principal for labor, materials, or both labor and materials, used or reasonably required for use in the performance of the contract, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of the above obligation is such that if the principal shall promptly satisfy all claims and demands incurred for all labor and materials, used or required by the principal in connection with the work described in the contract entered into this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the notice of intent to award letter, or in the absence of such a letter, not later than the date the Owner signs the construction contract, for the construction of ***insert name of project as designated in the contract documents***, and shall fully reimburse the obligee for all outlay and expense with said obligee may incur in making good any default of said principal, then this obligation shall be null and void.

Otherwise, the same shall remain in force and effect- it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received hereby stipulates and agrees that the obligation of said Surety and its bonds shall be in no way impaired or affected by any extension of the time which the Obligee may accept during the performance of the contract and said Surety does hereby waive notice of any such extension.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

00 61 13.16
Contractor Payment Bond

In witness whereof, the principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set above.

Signed and sealed this ***insert date, i.e.: 8th*** day of ***select month***, ***select year***, which is the same date as that of the notice of intent to award letter, or in the absence of such a letter, not later than the date the Owner signs the construction contract.

Contractor

_____

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

Surety

_____

(Signature)

insert name and title

insert company name

insert address
insert city state zip code

If Contractor is a partnership, all partners shall execute the bond. A power of attorney document indicating that it still is in full force and effect shall be provided by the person executing this bond.

[Fillable bond forms may be downloaded from the Bureau of General Services website.]

Form revision date: 25 Sept 2025

AdvantageME CT#

State of Maine
CONSTRUCTION CONTRACT
Application for Payment

Enter Project name
Enter location / school / campus

Enter Contractor Company name
address
city state zip code

Application Number: 1
Period Start Date: 19-May-2025
Period End Date: 30-Jun-2025
BGS Project No.: BGS #
Other Project No.: Other # or n/a

1	Original Contract Amount			$0
2	Net of Change Orders to Date	(from table below)		$0
3	Contract Sum to Date	(line 1 plus or minus line 2)		$0
4	Total Completed and Stored to Date	(column G on Continuation Sheet)		$0
5a	5% Retainage of Completed Work	(columns D + E x 5%	$0	
5b	5% Retainage of Stored Materials	(column F x 5%)	$0	
5c	Total Retainage	(column I)		$0
6	Total Earned Less Retainage	(line 4 minus line 5c)		$0
7	Less Previous Approved Applications for Payment	(line 6 from previous Application)		$0
8	Current Payment Due	(line 6 minus line 7)		**$0**
9	Balance to Finish, Including Retainage	(line 3 minus line 6)	$0	

Change Order Summary	Additions	Deductions	
Total Changes Approved in Previous Months	$0	$0	
Total Changes Approved this Month	$0	$0	
Subtotals	$0	$0	
Net of Change Orders to Date			$0

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which the previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor
Type company name here
Type person's name, title here

signature date

In accordance with the Contract Documents, based on on-site observations and the data comprising this Application, the Consultant certifies to the Owner that to the best of the Consultant's knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified_____

Consultant (Architect or Engineer)
Type firm name here
Type person's name, title here

signature date

Owner
Type contracting entity name here
Type person's name, title here

signature date

Owner's Rep / other - clear this text if not used
Type entity name here
Type person's name, title here

signature date

Bureau of General Services / Other - clear this text if not used
Type entity name here
Type person's name, title here

signature date

Bureau of General Services
Type entity name here
Type person's name, title here

signature date

Form revision date: 25 Sept 2025

State of Maine
CONSTRUCTION CONTRACT
Application for Payment - Base Contract Work

Application Number: **1**
Period Start Date: 19-May-2025
Period End Date: 30-Jun-2025
BGS Project No.: BGS #
Other Project No.: Other # or n/a

Enter Project name

Enter Contractor Company name

A	B	C	D	E	F	G		H	I
Item No.	Description of Work	Scheduled Value	Work Completed From Previous Application (Previous D + E)	Work Completed From This Period	Total Stored Materials (Not in D or E)	Total Completed and Stored to Date (D + E + F)	Percent Complete (G ÷ C)	Balance to Finish (C - G)	Retainage 5%
1	Enter Description of Work Item	$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0

Form revision date: 25 Sept 2025

State of Maine
CONSTRUCTION CONTRACT
Application for Payment - Change Orders and Totals

Application Number: **1**
Period Start Date: 19-May-2025
Period End Date: 30-Jun-2025
BGS Project No.: BGS #
Other Project No.: Other # or n/a

Enter Project name

Enter Contractor Company name

A	B	C	D	E	F	G		H	I
Item No.	Description of Work	Scheduled Value	Work Completed From Previous Application (Previous D + E)	Work Completed From This Period	Total Stored Materials (Not in D or E)	Total Completed and Stored to Date (D + E + F)	Percent Complete (G ÷ C)	Balance to Finish (C - G)	Retainage 5%
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
		$0	$0	$0	$0	$0	0.0%	$0	$0
	Total Change Order Work	$0	$0	$0	$0	$0	0.0%	$0	$0
	Total Base Contract Work	$0	$0	$0	$0	$0	0.0%	$0	$0
	Grand Total	$0	$0	$0	$0	$0	0.0%	$0	$0

State of Maine
CONSTRUCTION CONTRACT
Change Order

Project name
location / school / campus

Change Order: **1**

Issue Date of this Document: 21-Aug-2025

Contractor Company name
address
city state zip code

BGS Project No.: n
Other Project No.: x

Cost Change *Show Deduct as a negative number, e.g.: "-$850".*

	Add	Deduct	Total
Net Amount of this Change Order	$0	$0	
Net Amount of Previous Change Orders	$0	$0	
Net of Change Orders to Date	$0	$0	$0
Original Contract Amount			$0
Revised Contract Amount			**$0**

Time Change *Show Deduct as a negative number, e.g.: "-8".*

	Add	Deduct	Total
Net Calendar Days Adjusted by this Change Order	0	0	
Net Calendar Days Adjusted by Previous Change Orders	0	0	
Net of Change Orders to Date	0	0	0
Original Contract Final Completion Date			30-Apr-2027
Revised Contract Final Completion Date*			**30-Apr-2027**

Consultant (Architect or Engineer)
Type firm name here
Type person's name, title here

signature date

Contractor
Type company name here
Type person's name, title here

signature date

Owner
Type contracting entity name here
Type person's name, title here

signature date

Owner' Representative / Delete if not used
Type entity name here
Type person's name, title here

signature date

Project Manager / Delete if not used
Type entity name here
Type person's name, title here

signature date

Bureau of General Services
Division of Planning, Design & Construction
Type person's name, title here

signature date

Attach the "List of Change Order Items" sheet, plus all supporting documentation for each Change Order Item.

Substantial Completion Date: the deadline for first beneficial use by Owner, as certified by Consultant.	*4-May-2027*
** **Contract Final Completion Date** : the Contractor's final completion deadline for contract work.*	*30-Apr-2027*
Contract Expiration Date: the Owner's deadline for internal management of contract accounts;	*31-Dec-2027*
Contract Expiration Date does not directly relate to any contract obligation of the Contractor.	

revised 25 June 2025

State of Maine Change Order

List of Change Order Items

Project name **C. O. Number: 1**

Contractor Company name

Item No.	CP No.	Item Name	Reason Code	Calendar Days*	Cost
1	1	Enter Item Name		0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
				0	$0
			Totals	**0**	**$0**

Reason Codes

EO	*Error or omission of Consultant*
UC	*Unforeseen job site condition*
OC	*Owner-generated change*
RC	*Regulatory authority-generated change*
CC	*Contractor-generated change*

** Calendar Days shows Contract Final Completion Date impact only.*

Attach this sheet to the BGS "Change Order" cover sheet (with cost and time summaries, and signatures). Attach a "Details" sheet, and other supporting documentation, for each Change Order Item listed above.

revised 25 June 2025

State of Maine Change Order

Details of Change Order Item

Project name
location / school / campus

Contractor Company name
address
city state zip code

Change Order	**1**
Item Number	**1**
CP (Change Proposal) Number	**1**
Issue Date of this Document:	21-Aug-2025
BGS Project No.:	n
Other Project No.:	x

Item Name	Add item name from List of Items sheet			
Description of Work	Briefly describe scope of work			
Reason or Necessity of Work	Briefly describe reason or necessity for work change			
Cost Breakdown	Work by Subcontractor only	Work by Sub *and* Contractor	Work by Contractor only	
Subcontractor base cost	$0	$0		
Subcontractor markup	$0	$0		
Contractor base cost		$0	$0	
Contractor markup	$0	$0	$0	
Subtotal	$0	$0	$0	
Compensation	lump sum		**Total Cost**	**$0**
Initiated by	Contractor		**Calendar Days***	0
	CC		**Supporting Documentation**	is not needed

EO — *Error or omission of Consultant*
UC — *Unforeseen job site condition*
OC — *Owner-generated change*
RC — *Regulatory authority-generated change*
CC — *Contractor-generated change*

** Calendar Days shows Contract Final Completion Date impact only.*

Consultant (Architect or Engineer)
Type firm name here
Type person's name, title here

signature date

Contractor
Type company name here
Type person's name, title here

signature date

Owner
Type contracting entity name here
Type person's name, title here

signature date

Owner' Representative / Delete if not used
Type entity name here
Type person's name, title here

signature date

Project Manager / Delete if not used
Type entity name here
Type person's name, title here

signature date

Bureau of General Services
Division of Planning, Design & Construction
Type person's name, title here

signature date

00 71 00
Definitions

1. Definitions

1.1 *Addendum*: A document issued by the Consultant that amends the Bid Documents. Addenda shall not be issued less than seventy-two hours prior to the specified bid opening time.

1.2 *Allowance*: A specified dollar amount for a particular scope of work or service included in the Work that is identified in the Bid Documents and included in each Bidder's Bid. The Contractor shall document expenditures for an Allowance during the Project. Any unused balance shall be credited to the Owner. The Contractor is responsible for notifying the Owner of anticipated expenses greater than the specified amount and the Owner is responsible for those additional expenses.

1.3 *Alternate Bid*: The Contractor's written offer of a specified dollar amount, submitted on the Bid Form, for the performance of a particular scope of work described in the Bid Documents. The Owner determines the low bidder based on the sum of the base Bid and any combination of Alternate Bids that the Owner selects.

1.4 *Architect*: A Consultant acting as, or supporting, the Professional-of-Record who is responsible for the design of the Project. Equivalent to "Consultant" in State of Maine contract forms.

1.5 *Architectural Supplemental Instruction (ASI)*: A written instruction from the Architect for the purpose of clarification of the Contract Documents. An ASI does not alter the Contract Price or Contract Time. ASIs may be responses to RFIs and shall be issued by the Architect in a timely manner to avoid any negative impact on the Schedule of the Work.

1.6 *Bid*: The Contractor's written offer of a specified dollar amount or amounts, submitted on a form included in the Bid Documents, for the performance of the Work. A Bid may include bonds or other requirements. A base Bid is separate and distinct from Alternate Bids, being the only cost component necessary for the award of the contract, and representing the minimum amount of Work that is essential for the functioning of the Project.

1.7 *Bid Bond*: The security designated in the Bid Documents, furnished by Bidders as a guaranty of good faith to enter into a contract with the Owner, should a contract be awarded to that Bidder.

1.8 *Bidder*: Any business entity, individual or corporation that submits a bid for the performance of the work described in the Bid Documents, acting directly or through a duly authorized representative. See also *Responsive and Responsible Bidder*.

1.9 *Bid Documents*: The drawings, procurement and contracting requirements, general requirements, and the written specifications -including all addenda, that a bidder is required to reference in the submission of a bid.

1.10 *Bureau*: The State of Maine Bureau of General Services, or BGS, in the Department of Administrative and Financial Services.

1.11 *Calendar days*: Consecutive days, as occurring on a calendar, taking into account each day of the week, month, year, and any religious, national or local holidays. Calendar days are used for changes in Contract Time.

1.12 *Certificate of Substantial Completion*: A document developed by the Consultant that describes the final status of the Work and establishes the date that the Owner may use the facility for its intended purpose. The Certificate of Substantial Completion may also include a provisional list of items - a "punch list" - remaining to be completed by the Contractor. The Certificate of Substantial Completion identifies the date from which the project warranty period commences.

1.13 *Certificate of Occupancy*: A document developed by a local jurisdiction such as the Code Enforcement Officer that grants permission to the Owner to occupy a building.

1.14 *Change Order (CO)*: A document that modifies the contract and establishes the basis of a specific adjustment to the Contract Price or the Contract Time, or both. Change Orders may address correction of omissions, errors, and document discrepancies, or additional requirements. Change Orders should include all labor, materials and incidentals required to complete the work described. A Change Order is not valid until signed by the Contractor, Owner and Consultant and approved by the Bureau.

1.15 *Change Order Proposal (COP) (see also Proposal)*: Contract change proposed by the Contractor regarding the contract amount, requirements, or time. The Contractor implements the work of a COP after it is accepted by all parties. Accepted COPs are incorporated into the contract by Change Order.

1.16 *Clerk of the Works*: The authorized representative of the Consultant on the job site. Clerk of the Works is sometimes called the Architect's representative.

1.17 *Construction Change Directive (CCD)*: A written order prepared by the Consultant and signed by the Owner and Consultant, directing a change in the Work prior to final agreement with the Contractor on adjustment, if any, in the Contract Price or Contract Time, or both.

1.18 *Contract*: A written agreement between the Owner and the successful bidder which obligates the Contractor to perform the work specified in the Contract Documents and obligates the Owner to compensate the Contractor at the mutually accepted sum, rates or prices.

1.19 *Contract Bonds (also known as Payment and Performance Bonds)*: The approved forms of security, furnished by the Contractor and their surety, which guarantee the faithful performance of all the terms of the contract and the payment of all bills for labor, materials and equipment by the Contractor.

1.20 *Contract Documents*: The drawings and written specifications (including all addenda), Standard General Conditions, and the contract (including all Change Orders subsequently incorporated in the documents).

1.21 *Contract Expiration Date*: Date determined by the Owner as a deadline for internal management of contract accounts. This allows time after the Contract Final Completion Date for processing the final Requisition for Payment. The Contract Expiration Date does not directly relate to any contract obligation of the Contractor.

1.22 *Contract Final Completion Date*: Point of time when the Work is fully completed in compliance with the Contract Documents, as certified by the Consultant. Final payment to the Contractor is due upon Final Completion of the Project.

1.23 *Contract Price*: The dollar amount of the construction contract, also called *Contract Sum*.

1.24 *Contract Time*: The designated duration of time to execute the Work of the contract, with a specific date for completion.

1.25 *Contractor*: Also called the "General Contractor" or "GC" the individual or entity undertaking the execution of the general contract work under the terms of the contract with the Owner, acting directly or through a duly authorized representative. The Contractor is responsible for the means, methods and materials utilized in the execution and completion of the Work.

1.26 *Consultant*: The Architect or Engineer acting as Professional-of-Record for the Project. The Consultant is responsible for the design of the Project.

1.27 *Drawings*: The graphic and pictorial portion of the Contract Documents showing the design, location and dimensions of the Work, generally including plans, elevations, sections, details, schedules, and diagrams.

1.28 *Engineer*: A Consultant acting as, or supporting, the Professional-of-Record who is responsible for the design of the Project. Equivalent to “Consultant” in State of Maine contract forms.

1.29 *Filed Sub-bid*: The designated major Subcontractor's (or, in some cases, Contractor’s) written offer of a specified dollar amount or amounts, submitted on a form included in the Bid Documents, for the performance of a particular portion of the Work. A Filed Sub-bid may include bonds or other requirements.

1.30 *General Requirements*: The on-site overhead expense items the Contractor provides for the Project, typically including, but not limited to, building permits, construction supervision, Contract Bonds, insurance, field office, temporary utilities, rubbish removal, and site fencing. Overhead expenses of the Contractor's general operation are not included. Sometimes referred to as the Contractor's General Conditions.

1.31 *Owner*: The State agency which is represented by duly authorized individuals. The Owner is responsible for defining the scope of the Project and compensation to the Consultant and Contractor.

1.32 *Owner’s Representative*: The individual or entity contracted by the Owner to be an advisor and information conduit regarding the Project.

1.33 *Overhead*: General and administrative expenses of the Contractor’s principal and branch offices, including payroll costs and other compensation of Contractor employees, deductibles paid on any insurance policy, charges against the Contractor for delinquent payments, and costs related to the correction of defective work, and the Contractor’s capital expenses, including interest on capital used for the work.

1.34 *Performance and Payment Bonds (also known as Contract Bonds)*: The approved forms of security, furnished by the Contractor and their surety, which guarantee the faithful performance of all the terms of the contract and the payment of all bills for labor, materials and equipment by the Contractor.

1.35 *Post-Bid Addendum*: Document issued by the Consultant that defines a potential Change Order prior to signing of the construction contract. The Post-Bid Addendum allows the Owner to negotiate

contract changes with the Bidder submitting the lowest valid bid, only if the negotiated changes to the Bid Documents result in no change or no increase in the bid price.

A Post-Bid Addendum may also be issued after a competitive construction Bid opening to those Bidders who submitted a Bid initially, for the purpose of rebidding the Project work without re-advertising.

1.36 *Project*: The construction project proposed by the Owner to be constructed according to the Contract Documents. The Project, a public improvement, may be tied logistically to other public improvements and other activities conducted by the Owner or other contractors.

1.37 *Proposal (see also Change Order Proposal)*: The Contractor's written offer submitted to the Owner for consideration containing a specified dollar amount or rate, for a specific scope of work, and including a schedule impact, if any. A proposal shall include all costs for overhead and profit. The Contractor implements the work of a Proposal after it is accepted by all parties. Accepted Proposals are incorporated into the contract by Change Order.

1.38 *Proposal Request (PR)*: An Owner's written request to the Contractor for a Change Order Proposal.

1.39 *Punch List*: A document that identifies the items of work remaining to be done by the Contractor at the Close Out of a Project. The Punch List is created as a result of a final inspection of the work only after the Contractor attests that all of the Work is in its complete and permanent status.

1.40 *Request For Information (RFI)*: A Contractor's written request to the Consultant for clarification, definition or description of the Work. RFIs shall be presented by the Contractor in a timely manner to avoid any negative impact on the Schedule of the Work.

1.41 *Request For Proposal (RFP)*: An Owner's written request to the Contractor for a Change Order Proposal.

1.42 *Requisition for Payment*: The document in which the Contractor certifies that the Work described is, to the best of the Contractor's knowledge, information and belief, complete and that all previous payments have been paid by the Contractor to Subcontractors and suppliers, and that the current requested payment is now due. See *Schedule of Values.*

1.43 *Responsive and Responsible Bidder*: A bidder who complies, when submitting a bid on a given project, with the following *responsive* standards, as required by the Bid Documents:
- submits specific qualifications to bid the project, if required;
- attends mandatory pre-bid conferences, if required;
- submits a bid prior to the close of the bid period;
- submits a complete bid form;
- submits a bid without indications of intent contrary to the stated requirements;
- submits other materials and information, such as bid security, as required;

and, meets the following minimums regarding these *responsible* standards:
- sustains a satisfactory record of project performance;
- maintains a permanent place of business in a known physical location;
- possesses the financial means for short- and long-term operations;
- possesses the appropriate technical experience and capabilities;
- employs adequate personnel and subcontractor resources;

maintains the equipment needed to perform the work;
complies with the proposed implementation schedule;
complies with the insurance and bonding requirements;
provides post-construction warranty coverage;
and other criteria which can be considered relevant to the contract.

1.44 *Retainage*: The amount, calculated at five percent (5%) of the contract value or a scheduled value, that the Owner shall withhold from the Contractor until the work or portion of work is declared substantially complete or otherwise accepted by the Owner. The Owner may, if requested, reduce the amount withheld if the Owner deems it desirable and prudent to do so. (See Title 5 M.R.S.A., Section 1746.)

1.45 *Sample*: A physical example provided by the Contractor which illustrates materials, equipment or workmanship and establishes standards by which the Work will be judged.

1.46 *Schedule of the Work*: The document prepared by the Contractor and approved by the Owner that specifies the dates on which the Contractor plans to begin and complete various parts of the Work, including dates on which information and approvals are required from the Owner.

1.47 *Schedule of Values*: The document prepared by the Contractor and approved by the Owner before the commencement of the Work that specifies the dollar values of discrete portions of the Work equal in sum to the contract amount. The Schedule of Values is used to document progress payments of the Work in regular (usually monthly) requisitions for payment. See *Requisition for Payment*.

1.48 *Shop Drawings*: The drawings, diagrams, schedules and other data specially prepared for the Work by the Contractor or a Subcontractor, manufacturer, supplier or distributor to illustrate some portion of the Work.

1.49 *Specifications*: The portion of the Contract Documents consisting of the written requirements of the Work for materials, equipment, systems, standards, workmanship, and performance of related services.

1.50 *Subcontractor*: An individual or entity undertaking the execution of any part of the Work by virtue of a written agreement with the Contractor or any other Subcontractor. Also, an individual or entity retained by the Contractor or any other Subcontractor as an independent contractor to provide the labor, materials, equipment or services necessary to complete a specific portion of the Work.

1.51 *Substantial Completion Date*: Point of time when the Work or a designated portion of the Work is sufficiently complete in compliance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended purpose without unscheduled disruption. Substantial Completion is documented by the date of the Certificate of Substantial Completion signed by the Owner and the Contractor.

1.52 *Superintendent*: The representative of the Contractor on the job site, authorized by the Contractor to receive and fulfill instructions from the Consultant.

1.53 *Surety*: The individual or entity that is legally bound with the Contractor and Subcontractor to insure the faithful performance of the contract and for the payment of the bills for labor, materials and equipment by the Contractor and Subcontractors.

1.54 *Work*: The construction and services, whether completed or partially completed, including all labor, materials, equipment and services provided or to be provided by the Contractor and Subcontractors to fulfill the requirements of the Project as described in the Contract Documents.

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General Conditions

Table of Contents of this General Conditions Section

1. Preconstruction Conference

1.1 The Contractor shall, upon acceptance of a contract and prior to commencing work, schedule a preconstruction conference with the Owner and Consultant. The purpose of this conference is as follows.

1.1.1 Introduce all parties who have a significant role in the Project, including:
Owner (State agency or other contracting entity)
Owner's Representative
Consultant (Architect or Engineer)
Subconsultants
Clerk-of-the-works
Contractor (GC)
Superintendent
Subcontractors
Other State agencies
Construction testing company
Commissioning agent
Special Inspections agent
Bureau of General Services (BGS);

1.1.2 Review the responsibilities of each party;

1.1.3 Review any previously-identified special provisions of the Project;

1.1.4 Review the Schedule of the Work calendar submitted by the Contractor to be approved by the Owner and Consultant;

1.1.5 Review the Schedule of Values form submitted by the Contractor to be approved by the Owner and Consultant;

1.1.6 Establish routines for Shop Drawing approval, contract changes, requisitions, et cetera;

1.1.7 discuss jobsite issues;

1.1.8 Discuss Project close-out procedures;

1.1.9 Provide an opportunity for clarification of Contract Documents before work begins; and

1.1.10 Schedule regular meetings at appropriate intervals for the review of the progress of the Work.

2. Intent and Correlation of Contract Documents

2.1 The intent of the Contract Documents is to describe the complete Project. The Contract Documents consist of various components; each component complements the others. What is shown as a requirement by any one component shall be inferred as a requirement on all corresponding components.

2.2 The Contractor shall furnish all labor, equipment and materials, tools, transportation, insurance, services, supplies, operations and methods necessary for, and reasonably incidental to, the construction and completion of the Project. Any work that deviates from the Contract Documents which appears to be required by the exigencies of construction or by inconsistencies in the Contract Documents, will be determined by the Consultant and authorized in writing by the Consultant, Owner and the Bureau prior to execution. The Contractor shall be responsible for requesting clarifying information where the intent of the Contract Documents is uncertain.

2.3 The Contractor shall not utilize any apparent error or omission in the Contract Documents to the disadvantage of the Owner. The Contractor shall promptly notify the Consultant in writing of such errors or omissions. The Consultant shall make any corrections or clarifications necessary in such a situation to document the true intent of the Contract Documents.

3. Additional Drawings and Specifications

3.1 Upon the written request of the Contractor, the Owner shall provide, at no expense to the Contractor, up to five sets of printed Drawings and Specifications for the execution of the Work.

3.2 The Consultant shall promptly furnish to the Contractor revised Drawings and Specifications, for the area of the documents where those revisions apply, when corrections or clarifications are made by the Consultant. All such information shall be consistent with, and reasonably inferred from, the Contract Documents. The Contractor shall do no work without the proper Drawings and Specifications.

4. Ownership of Contract Documents

4.1 The designs represented on the Contract Documents are the property of the Consultant. The Drawings and Specifications shall not be used on other work without consent of the Consultant.

5. Permits, Laws, and Regulations

5.1 The Owner is responsible for obtaining any zoning approvals or other similar local project approvals necessary to complete the Work, unless otherwise specified in the Contract Documents.

5.2 The Owner is responsible for obtaining Maine Department of Environmental Protection, Maine Department of Transportation, or other similar state government project approvals necessary to complete the Work, unless otherwise indicated in the Contract Documents.

5.3 The Owner is responsible for obtaining any federal agency project approvals necessary to complete the Work, unless otherwise indicated in the Contract Documents.

5.4 The Owner is responsible for obtaining all easements for permanent structures or permanent changes in existing facilities.

5.5 The Contractor is responsible for obtaining and paying for all permits and licenses necessary for the implementation of the Work. The Contractor shall notify the Owner of any delays, variance or restrictions that may result from the issuing of permits and licenses.

5.6 The Contractor shall comply with all ordinances, laws, rules and regulations and make all required notices bearing on the implementation of the Work. In the event the Contractor observes disagreement between the Drawings and Specifications and any ordinances, laws, rules and regulations, the Contractor shall promptly notify the Consultant in writing. Any necessary changes shall be made as provided in the contract for changes in the work. The Contractor shall not perform any work knowing it to be contrary to such ordinances, laws, rules and regulations.

5.7 The Contractor shall comply with local, state and federal regulations regarding construction safety and all other aspects of the Work.

5.8 The Contractor shall comply with the Maine Code of Fair Practices and Affirmative Action, 5 M.R.S. §784 (2).

6. Taxes

6.1 The Owner is exempt from the payment of Maine State sales and use taxes as provided in 36 M.R.S. §1760 (1). The Contractor and Subcontractors shall not include taxes on exempt items in the construction contract.

6.2 Section 1760 further provides in subsection 61 that sales to a construction contractor or its subcontractor of tangible personal property that is to be physically incorporated in, and become a permanent part of, real property for sale to or owned by the Owner, are exempt from Maine State sales and use taxes. Tangible personal property is defined in 36 M.R.S. §1752 (17).

6.3 The Contractor may contact Maine Revenue Services, 24 State House Station, Augusta, Maine 04333 for guidance on tax exempt regulations authorized by 36 M.R.S. §1760 and detailed in Rule 302 (18-125 CMR 302).

7. Labor and Wages

7.1 The Contractor shall conform to the labor laws of the State of Maine, and all other laws, ordinances, and legal requirements affecting the work in Maine.

7.2 The Consultant shall include a wage determination document prepared by the Maine Department of Labor in the Contract Documents for state-funded contracts in excess of $50,000. The document shows the minimum wages required to be paid to each category of labor employed on the project.

7.3 On projects requiring a Maine wage determination, the Contractor shall submit monthly payroll records to the Owner ("the contracting agency") showing the name and occupation of all workers and all independent contractors employed on the project. The monthly submission must also include the Contractor's company name, the title of the project, hours worked, hourly rate or other method of remuneration, and the actual wages or other compensation paid to each person.

7.4 The Contractor shall not reveal, in the payroll records submitted to the Owner, personal information regarding workers and independent contractors, other than the information described above. Such information shall not include Social Security number, employee identification number, or employee address or phone number, for example.

7.5 The Contractor shall conform to Maine statute (39-A M.R.S. §105-A (6)) by providing to the Workers' Compensation Board a list of all subcontractors and independent contractors on the job site and a record of the entity to whom that subcontractor or independent contractor is directly contracted and by whom that subcontractor or independent contractor is insured for workers' compensation purposes.

7.6 The Contractor shall enforce strict discipline and good order among their employees at all times, and shall not employ any person unfit or unskilled to do the work assigned to them.

7.7 The Contractor shall promptly pay all employees when their compensation is due, shall promptly pay all others who have billed and are due for materials, supplies and services used in the Work, and shall promptly pay all others who have billed and are due for insurance, workers compensation coverage, federal and state unemployment compensation, and Social Security

charges pertaining to this Project. Before final payments are made, the Contractor shall furnish to the Owner affidavits that all such payments described above have been made.

7.8 The Contractor may contact the Maine Department of Labor, 54 State House Station, Augusta, Maine 04333 for guidance on labor issues.

7.9 The Contractor may contact the Maine Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333 for guidance on workers' compensation issues.

8. Indemnification

8.1 The Contractor shall indemnify and hold harmless the Owner and its officers and employees from and against any and all damages, liabilities, and costs, including reasonable attorney's fees, and defense costs, for any and all injuries to persons or property, including claims for violation of intellectual property rights, to the extent caused by the negligent acts or omissions of the Contractor, its employees, agents, officers or subcontractors in the performance of work under this Agreement. The Contractor shall not be liable for claims to the extent caused by the negligent acts or omissions of the Owner or for actions taken in reasonable reliance on written instructions of the Owner.

8.2 The Contractor shall notify the Owner promptly of all claims arising out of the performance of work under this Agreement by the Contractor, its employees or agents, officers or subcontractors.

8.3 This indemnity provision shall survive the termination of the Agreement, completion of the project or the expiration of the term of the Agreement.

9. Insurance Requirements

9.1 The Contractor shall provide, with each original of the signed Contract, an insurance certificate or certificates acceptable to the Owner and BGS. The Contractor shall submit insurance certificates to the Owner and BGS at the commencement of this Contract and at policy renewal or revision dates. The certificates shall identify the project name and BGS project number, and shall name the Owner as certificate holder and as additional insured for general liability and automobile liability coverages. The submitted forms shall contain a provision that coverage afforded under the insurance policies will not be canceled or materially changed unless at least ten days prior written notice by registered letter has been given to the Owner and BGS.

9.2 The Owner does not warrant or represent that the insurance required herein constitutes an insurance portfolio which adequately addresses all risks faced by the Contractor or its Subcontractors. The Contractor is responsible for the existence, extent and adequacy of insurance prior to commencement of work. The Contractor shall not allow any Subcontractor to commence work until all similar insurance required of the Subcontractor has been confirmed by the Contractor.

9.3 The Contractor shall procure and maintain primary insurance for the duration of the Project and, if written on a Claims-Made basis, shall also procure and maintain Extended Reporting Period (ERP) insurance for the period of time that any claims could be brought. The Contractor shall ensure that all Subcontractors they engage or employ will procure and maintain similar insurance

in form and amount acceptable to the Owner and BGS. At a minimum, the insurance shall be of the types and limits set forth herein protecting the Contractor from claims which may result from the Contractor's execution of the Work, whether such execution be by the Contractor or by those employed by the Contractor or by those for whose acts they may be liable. All required insurance coverages shall be placed with carriers authorized to conduct business in the State of Maine by the Maine Bureau of Insurance.

9.3.1 The Contractor shall have Workers' Compensation insurance for all employees on the Project site in accordance with the requirements of the Workers' Compensation law of the State of Maine. Minimum acceptable limits for Employer's Liability are:

Bodily Injury by Accident.....$500,000
Bodily Injury by Disease.....$500,000 Each Employee
Bodily Injury by Disease.....$500,000 Policy Limit

9.3.2 The Contractor shall have Commercial General Liability insurance providing coverage for bodily injury and property damage liability for all hazards of the Project including premise and operations, products and completed operations, contractual, and personal injury liabilities. The policy shall include collapse and underground coverage as well as explosion coverage if explosion hazards exist. Aggregate limits shall apply on a location or project basis. Minimum acceptable limits are:

General aggregate limit.....$2,000,000
Products and completed operations aggregate $1,000,000
Each occurrence limit.....$1,000,000
Personal injury aggregate.....$1,000,000

9.3.3 The Contractor shall have Automobile Liability insurance against claims for bodily injury, death or property damage resulting from the maintenance, ownership or use of all owned, non-owned and hired automobiles, trucks and trailers. Minimum acceptable limit is:

Any one accident or loss $500,000

9.3.4 For the portion of a project which is new construction, the Contractor shall procure and maintain Builder's Risk insurance naming the Owner, Contractor, and any Subcontractor as insureds as their interest may appear. Covered causes of loss form shall be all Risks of Direct Physical Loss, endorsed to include flood, earthquake, transit and sprinkler leakage where sprinkler coverage is applicable. Unless specifically authorized in writing by the Owner, the limit of insurance shall not be less than the initial contract amount, for the portion of the project which is new construction, and coverage shall apply during the entire contract period and until the work is accepted by the Owner.

9.3.5 The Contractor shall have Owner's Protective Liability insurance for contract values $50,000 and above, naming the Owner as the Named Insured. Minimum acceptable limits are:

General aggregate limit.....$2,000,000
Each occurrence limit.....$1,000,000

10. Contract Bonds

10.1 When noted as required in the Bid Documents, the Contractor shall provide to the Owner a Performance Bond and a Payment Bond, or "contract bonds", upon execution of the contract. Each bond value shall be for the full amount of the contract and issued by a surety company authorized to do business in the State of Maine as approved by the Owner. The bonds shall be

executed on the forms furnished in the Bid Documents. The bonds shall allow for any subsequent additions or deductions of the contract.

10.2 The contract bonds shall continue in effect for one year after final acceptance of the contract to protect the Owner's interest in connection with the one year guarantee of workmanship and materials and to assure settlement of claims for the payment of all bills for labor, materials and equipment by the Contractor.

11. Patents and Royalties

11.1 The Contractor shall, for all time, secure for the Owner the free and undisputed right to the use of any patented articles or methods used in the Work. The expense of defending any suits for infringement or alleged infringement of such patents shall be borne by the Contractor. Awards made regarding patent suits shall be paid by the Contractor. The Contractor shall hold the Owner harmless regarding patent suits that may arise due to installations made by the Contractor, and to any awards made as a result of such suits.

11.2 Any royalty payments related to the work done by the Contractor for the Project shall be borne by the Contractor. The Contractor shall hold the Owner harmless regarding any royalty payments that may arise due to installations made by the Contractor.

12. Surveys, Layout of Work

12.1 The Owner shall furnish all property surveys unless otherwise specified.

12.2 The Contractor is responsible for correctly staking out the Work on the site. The Contractor shall employ a competent surveyor to position all construction on the site. The surveyor shall run the axis lines, establish correct datum points and check each line and point on the site to insure their accuracy. All such lines and points shall be carefully preserved throughout the construction.

12.3 The Contractor shall lay out all work from dimensions given on the Drawings. The Contractor shall take measurements and verify dimensions of any existing work that affects the Work or to which the Work is to be fitted. The Contractor is solely responsible for the accuracy of all measurements. The Contractor shall verify all grades, lines, levels, elevations and dimensions shown on the Drawings and report any errors or inconsistencies to the Consultant prior to commencing work.

13. Record of Documents

13.1 The Contractor shall maintain one complete set of Contract Documents on the jobsite, in good order and current status, for access by the Owner and Consultant.

13.2 The Contractor shall maintain, continuously updated, complete records of Requests for Information, Architectural Supplemental Instructions (or equivalent), Information Bulletins, supplemental sketches, Change Order Proposals, Change Orders, Shop Drawings, testing reports, et cetera, for access by the Owner and Consultant.

14. Allowances

14.1 The Contract Price shall include all allowances described in the Contract Documents. The Contractor shall include all overhead and profit necessary to implement each allowance in their Contract Price.

14.2 The Contractor shall not be required to employ parties for allowance work against whom the Contractor has a reasonable objection. In such a case, the Contractor shall notify the Owner in writing of their position and shall propose an alternative party to complete the work of the allowance.

15. Shop Drawings

15.1 The Contractor shall administer Shop Drawings prepared by the Contractor, Subcontractors, suppliers or others to conform to the approved Schedule of the Work. The Contractor shall verify all field measurements, check and authorize all Shop Drawings and schedules required by the Work. The Contractor is the responsible party and contact for the Contractor's work as well as that of Subcontractors, suppliers or others who provide Shop Drawings.

15.2 The Consultant shall review and acknowledge Shop Drawings, with reasonable promptness, for general conformity with the design concept of the project and compliance with the information provided in the Contract Documents.

15.3 The Contractor shall provide monthly updated logs containing: requests for information, information bulletins, supplemental instructions, supplemental sketches, change order proposals, change orders, submittals, testing and deficiencies.

15.4 The Contractor shall make any corrections required by the Consultant, and shall submit a quantity of corrected copies as may be needed. The acceptance of Shop Drawings or schedules by the Consultant shall not relieve the Contractor from responsibility for deviations from Drawings and Specifications, unless the Contractor has called such deviations to the attention of the Consultant at the time of submission and secured the Consultant’s written approval. The acceptance of Shop Drawings or schedules by the Consultant does not relieve the Contractor from responsibility for errors in Shop Drawings or schedules.

16. Samples

16.1 The Contractor shall furnish for approval, with reasonable promptness, all samples as directed by the Consultant. The Consultant shall review and approve such samples, with reasonable promptness, for general conformity with the design concept of the project and compliance with the information provided in the Contract Documents. The subsequent work shall be in accord with the approved samples.

17. Substitutions

17.1 The Contractor shall furnish items and materials described in the Contract Documents. If the item or material specified describes a proprietary product, or uses the name of a manufacturer, the term “or approved equal” shall be implied, if it is not included in the text. The specific item or material specified establishes a minimum standard for the general design, level of quality, type, function, durability, efficiency, reliability, compatibility, warranty coverage, installation factors

and required maintenance. The Drawing or written Specification shall not be construed to exclude other manufacturers products of comparable design, quality, and efficiency.

17.2 The Contractor may submit detailed information about a proposed substitution to the Consultant for consideration. Particular models of items and particular materials which the Contractor asserts to be equal to the items and materials identified in the Contract Documents shall be allowed only with written approval by the Consultant. The request for substitution shall include a cost comparison and a reason or reasons for the substitution.

17.3 The Consultant may request additional information about the proposed substitution. The approval or rejection of a proposed substitution may be based on timeliness of the request, source of the information, the considerations of minimum standards described above, or other considerations. The Consultant should briefly state the rationale for the decision. The decision shall be considered final.

17.4 The duration of a substitution review process can not be the basis for a claim for delay in the Schedule of the Work.

18. Assignment of Contract

18.1 The Contractor shall not assign or sublet the contract as a whole without the written consent of the Owner. The Contractor shall not assign any money due to the Contractor without the written consent of the Owner.

19. Separate Contracts

19.1 The Owner reserves the right to create other contracts in connection with this Project using similar General Conditions. The Contractor shall allow the Owner's other contractors reasonable opportunity for the delivery and storage of materials and the execution of their work. The Contractor shall coordinate and properly connect the Work of all contractors.

19.2 The Contractor shall promptly report to the Consultant and Owner any apparent deficiencies in work of the Owner's other contractors that impacts the proper execution or results of the Contractor. The Contractor’s failure to observe or report any deficiencies constitutes an acceptance of the Owner's other contractors work as suitable for the interface of the Contractor’s work, except for latent deficiencies in the Owner's other contractors work.

19.3 Similarly, the Contractor shall promptly report to the Consultant and Owner any apparent deficiencies in their own work that would impact the proper execution or results of the Owner's other contractors.

19.4 The Contractor shall report to the Consultant and Owner any conflicts or claims for damages with the Owner's other contractors and settle such conflicts or claims for damages by mutual agreement or arbitration, if necessary, at no expense to the Owner.

19.5 In the event the Owner's other contractors sue the Owner regarding any damage alleged to have been caused by the Contractor, the Owner shall notify the Contractor, who shall defend such proceedings at the Contractor's expense. The Contractor shall pay or satisfy any judgment that may arise against the Owner, and pay all other costs incurred.

20. Subcontracts

20.1 The Contractor shall not subcontract any part of this contract without the written permission of the Owner.

20.2 The Contractor shall submit a complete list of named Subcontractors and material suppliers to the Consultant and Owner for approval by the Owner prior to commencing work. The Subcontractors named shall be reputable companies of recognized standing with a record of satisfactory work.

20.3 The Contractor shall not employ any Subcontractor or use any material until they have been approved, or where there is reason to believe the resulting work will not comply with the Contract Documents.

20.4 The Contractor, not the Owner, is as fully responsible for the acts and omissions of Subcontractors and of persons employed by them, as the Contractor is for the acts and omissions of persons directly or indirectly employed by the Contractor.

20.5 Neither the Contract Documents nor any Contractor-Subcontractor contract shall indicate, infer or create any direct contractual relationship between any Subcontractor and the Owner.

21. Contractor-Subcontractor Relationship

21.1 The Contractor shall be bound to the Subcontractor by all the obligations in the Contract Documents that bind the Contractor to the Owner.

21.2 The Contractor shall pay the Subcontractor, in proportion to the dollar value of the work completed and requisitioned by the Subcontractor, the approved dollar amount allowed to the Contractor no more than seven days after receipt of payment from the Owner.

21.3 The Contractor shall pay the Subcontractor accordingly if the Contract Documents or the subcontract provide for earlier or larger payments than described in the provision above.

21.4 The Contractor shall pay the Subcontractor for completed and requisitioned subcontract work, less retainage, no more than seven days after receipt of payment from the Owner for the Contractor's approved Requisition for Payment, even if the Consultant fails to certify a portion of the Requisition for Payment for a cause not the fault of the Subcontractor.

21.5 The Contractor shall not make a claim for liquidated damages or penalty for delay in any amount in excess of amounts that are specified by the subcontract.

21.6 The Contractor shall not make a claim for services rendered or materials furnished by the Subcontractor unless written notice is given by the Contractor to the Subcontractor within ten calendar days of the day in which the claim originated.

21.7 The Contractor shall give the Subcontractor an opportunity to present and to submit evidence in any progress conference or disputes involving subcontract work.

21.8 The Contractor shall pay the Subcontractor a just share of any fire insurance payment received by the Contractor.

21.9 The Subcontractor shall be bound to the Contractor by the terms of the Contract Documents and assumes toward the Contractor all the obligations and responsibilities that the Contractor, by those documents, assumes toward the Owner.

21.10 The Subcontractor shall submit applications for payment to the Contractor in such reasonable time as to enable the Contractor to apply for payment as specified.

21.11 The Subcontractor shall make any claims for extra cost, extensions of time or damages, to the Contractor in the manner provided in these General Conditions for like claims by the Contractor to the Owner, except that the time for the Subcontractor to make claims for extra cost is seven calendar days after the receipt of Consultant's instructions.

22. Supervision of the Work

22.1 During all stages of the Work the Contractor shall have a competent superintendent, with any necessary assistant superintendents, overseeing the project. The superintendent shall not be reassigned without the consent of the Owner unless a superintendent ceases to be employed by the Contractor due to unsatisfactory performance.

22.2 The superintendent represents the Contractor on the jobsite. Directives given by the Consultant or Owner to the superintendent shall be as binding as if given directly to the Contractor's main office. All important directives shall be confirmed in writing to the Contractor. The Consultant and Owner are not responsible for the acts or omissions of the superintendent or assistant superintendents.

22.3 The Contractor shall provide supervision of the Work equal to the industry's highest standard of care. The superintendent shall carefully study and compare all Contract Documents and promptly report any error, inconsistency or omission discovered to the Consultant. The Contractor may not necessarily be held liable for damages resulting directly from any error, inconsistency or omission in the Contract Documents or other instructions by the Consultant that was not revealed by the superintendent in a timely way.

23. Observation of the Work

23.1 The Contractor shall allow the Owner, the Consultant and the Bureau continuous access to the site for the purpose of observation of the progress of the work. All necessary safeguards and accommodations for such observations shall be provided by the Contractor.

23.2 The Contractor shall coordinate all required testing, approval or demonstration of the Work. The Contractor shall give sufficient notice to the appropriate parties of readiness for testing, inspection or examination.

23.3 The Contractor shall schedule inspections and obtain all required certificates of inspection for inspections by a party other than the Consultant.

23.4 The Consultant shall make all scheduled observations promptly, prior to the work being concealed or buried by the Contractor. If approval of the Work is required of the Consultant, the Contractor shall notify the Consultant of the construction schedule in this regard. Work concealed or buried prior to the Consultant's approval may need to be uncovered at the Contractor's expense.

23.5 The Consultant may order reexamination of questioned work, and, if so ordered, the work must be uncovered by the Contractor. If the work is found to conform to the Contract Documents, the Owner shall pay the expense of the reexamination and remedial work. If the work is found to not conform to the Contract Documents, the Contractor shall pay the expense, unless the defect in the work was caused by the Owner's Contractor, whose responsibility the reexamination expense becomes.

23.6 The Bureau shall periodically observe the Work during the course of construction and make recommendations to the Contractor or Consultant as necessary. Such recommendations shall be considered and implemented through the usual means for changes to the Work.

24. Consultant's Status

24.1 The Consultant represents the Owner during the construction period, and observes the work in progress on behalf of the Owner. The Consultant has authority to act on behalf of the Owner only to the extent expressly provided by the Contract Documents or otherwise demonstrated to the Contractor. The Consultant has authority to stop the work whenever such an action is necessary, in the Consultant's reasonable opinion, to ensure the proper execution of the contract.

24.2 The Consultant is the interpreter of the conditions of the contract and the judge of its performance. The Consultant shall favor neither the Owner nor the Contractor, but shall use the Consultant's powers under the contract to enforce faithful performance by both parties.

24.3 In the event of the termination of the Consultant's employment on the project prior to completion of the work, the Owner shall appoint a capable and reputable replacement. The status of the new Consultant relative to this contract shall be that of the former Consultant.

25. Management of the Premises

25.1 The Contractor shall place equipment and materials, and conduct activities on the premises in a manner that does not unreasonably hinder site circulation, environmental stability, or any long term effect. Likewise, the Consultant's directions shall not cause the use of premises to be impeded for the Contractor or Owner.

25.2 The Contractor shall not use the premises for any purpose other than that which is directly related to the scope of work. The Owner shall not use the premises for any purpose incompatible with the proposed work simultaneous to the work of the Contractor.

25.3 The Contractor shall enforce the Consultant's instructions regarding information posted on the premises such as signage and advertisements, as well as activities conducted on the premises such as fires, and smoking.

25.4 The Owner may occupy any part of the Project that is completed with the written consent of the Contractor, and without prejudice to any of the rights of the Owner or Contractor. Such use or occupancy shall not, in and of itself, be construed as a final acceptance of any work or materials.

26. Safety and Security of the Premises

26.1 The Contractor shall designate, and make known to the Consultant and the Owner, a safety officer whose duty is the prevention of accidents on the site.

26.2 The Contractor shall continuously maintain security on the premises and protect from unreasonable occasion of injury all people authorized to be on the job site. The Contractor shall also effectively protect the property and adjacent properties from damage or loss.

26.3 The Contractor shall take all necessary precautions to ensure the safety of workers and others on and adjacent to the site, abiding by applicable local, state and federal safety regulations. The Contractor shall erect and continuously maintain safeguards for the protection of workers and others, and shall post signs and other warnings regarding hazards associated with the construction process, such as protruding fasteners, moving equipment, trenches and holes, scaffolding, window, door or stair openings, and falling materials.

26.4 The Contractor shall restore the premises to conditions that existed prior to the start of the project at areas not intended to be altered according to the Contract Documents.

26.5 The Contractor shall protect existing utilities and exercise care working in the vicinity of utilities shown in the Drawings and Specifications or otherwise located by the Contractor.

26.6 The Contractor shall protect from damage existing trees and other significant plantings and landscape features of the site which will remain a permanent part of the site. If necessary or indicated in the Contract Documents, tree trunks shall be boxed and barriers erected to prevent damage to tree branches or roots.

26.7 The Contractor shall repair or replace damage to the Work caused by the Contractor's or Subcontractor's forces, including that which is reasonably protected, at the expense of the responsible party.

26.8 The Contractor shall not load, or allow to be loaded, any part of the Project with a force which imperils personal or structural safety. The Consultant may consult with the Contractor on such means and methods of construction, however, the ultimate responsibility lies with the Contractor.

26.9 The Contractor shall not jeopardize any work in place with subsequent construction activities such as blasting, drilling, excavating, cutting, patching or altering work. The Consultant must approve altering any structural components of the project. The Contractor shall supervise all construction activities carried out by others on site to ensure that the work is neatly done and in a manner that will not endanger the structure or the component parts.

26.10 The Contractor may act with their sole discretion in emergency situations that potentially effect health, life or serious damage to the premises or adjacent properties, to prevent such potential loss or injury. The Contractor may negotiate with the Owner for compensation for expenses due to such emergency work.

26.11 The Contractor and Subcontractors shall have no responsibility for the identification, discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials in any form at the project site. The Contractor shall avoid disruption of any hazardous materials or toxic substances at the project site and promptly notify the Owner in writing on the occasion of such a discovery.

26.12 The Contractor shall keep the premises free of any unsafe accumulation of waste materials caused by the work. The Contractor shall regularly keep the spaces "broom clean". See the Close-out of the Work provisions of this section regarding cleaning at the completion of the project.

27. Changes in the Work

27.1 The Contractor shall not proceed with extra work without an approved Change Order or Construction Change Directive. A Change Order which has been properly signed by all parties shall become a part of the contract.

27.2 A Change Order is the usual document for directing changes in the Work. In certain circumstances, however, the Owner may utilize a Construction Change Directive to direct the Contractor to perform changes in the Work that are generally consistent with the scope of the project. The Owner shall use a Construction Change Directive only when the normal process for approving changes to the Work has failed to the detriment of the Project, or when agreement on the terms of a Change Order cannot be met, or when an urgent situation requires, in the Owner's judgment, prompt action by the Contractor.

27.3 The Consultant shall prepare the Construction Change Directive representing a complete scope of work, with proposed Contract Price and Contract Time revisions, if any, clearly stated.

27.4 The Contractor shall promptly carry out a Construction Change Directive which has been signed by the Owner and the Consultant. Work thus completed by the Contractor constitutes the basis for a Change Order. Changes in the Contract Price and Contract Time shall be as defined in the Construction Change Directive unless subsequently negotiated with some other terms.

27.5 The method of determining the dollar value of extra work shall be by:
- .1 an estimate of the Contractor accepted by Owner as a lump sum, or
- .2 unit prices named in the contract or subsequently agreed upon, or
- .3 cost plus a designated percentage, or
- .4 cost plus a fixed fee.

27.6 The Contractor shall determine the dollar value of the extra work for both the lump sum and cost plus designated percentage methods so as not to exceed the following rates. The rates include all overhead and profit expenses.
- .1 Contractor - for any work performed by the Contractor's own forces, up to 20% of the cost;
- .2 Subcontractor - for work performed by Subcontractor's own forces, up to 20% of the cost;
- .3 Contractor - for work performed by Contractor's Subcontractor, up to 10% of the amount due the Subcontractor.

27.7 The Contractor shall keep and provide records as needed or directed for the cost plus designated percentage method. The Consultant shall review and certify the appropriate amount which

includes the Contractor's overhead and profit. The Owner shall make payments based on the Consultant's certificate.

27.8 Cost reflected in Change Orders shall be limited to the following: cost of materials, cost of delivery, cost of labor (including Social Security, pension, Workers' Compensation insurance, and unemployment insurance), and cost of rental of power tools and equipment. Labor cost may include a pro-ratio share of a foreman's time only in the case of an extension of contract time granted due to the Change Order.

27.9 Overhead reflected in Change Orders shall be limited to the following: bond premium, supervision, wages of clerks, time keepers, and watchmen, small tools, incidental expenses, general office expenses, and all other overhead expenses directly related to the Change Order.

27.10 The Contractor shall provide credit to the Owner for labor, materials, equipment and other costs but not overhead and profit expenses for those Change Order items that result in a net value of credit to the contract.

27.11 The Owner may change the scope of work of the Project without invalidating the contract. The Owner shall notify the Contractor of a change of the scope of work for the Owner's Contractors, which may affect the work of this Contractor, without invalidating the contract. Change Orders for extension of the time caused by such changes shall be developed at the time of directing the change in scope of work.

27.12 The Consultant may order minor changes in the Work, not involving extra cost, which is consistent with the intent of the design or project.

27.13 The Contractor shall immediately give written notification to the Consultant of latent conditions discovered at the site which materially differ from those represented in the Drawings or Specifications, and which may eventually result in a change in the scope of work. The Contractor shall suspend work until receiving direction from the Consultant. The Consultant shall promptly investigate the conditions and respond to the Contractor's notice with direction that avoids any unnecessary delay of the Work. The Consultant shall determine if the discovered conditions warrant a Change Order.

27.14 The Contractor shall, within ten calendar days of receipt of the information, give written notification to the Consultant if the Contractor claims that instructions by the Consultant will constitute extra cost not accounted for by Change Order or otherwise under the contract. The Consultant shall promptly respond to the Contractor's notice with direction that avoids any unnecessary delay of the Work. The Consultant shall determine if the Contractor's claim warrants a Change Order.

28. Correction of the Work

28.1 The Contractor shall promptly remove from the premises all work the Consultant declares is non-conforming to the contract. The Contractor shall replace the work properly at no expense to the Owner. The Contractor is also responsible for the expenses of others whose work was damaged or destroyed by such remedial work.

28.2 The Owner may elect to remove non-conforming work if it is not removed by the Contractor within a reasonable time, that time defined in a written notice from the Consultant. The Owner may elect to store removed non-conforming work not removed by the Contractor at the Contractor's expense. The Owner may, with ten days written notice, dispose of materials which the Contractor does not remove. The Owner may sell the materials and apply the net proceeds, after deducting all expenses, to the costs that should have been borne by the Contractor.

28.3 The Contractor shall remedy any defects due to faulty materials or workmanship and pay for any related damage to other work which appears within a period of one year from the date of substantial completion, and in accord with the terms of any guarantees provided in the contract. The Owner shall promptly give notice of observed defects to the Contractor and Consultant. The Consultant shall determine the status of all claimed defects. The Contractor shall perform all remedial work without unjustifiable delay in either the initial response or the corrective action.

28.4 The Consultant may authorize, after a reasonable notification to the Contractor, an equitable deduction from the contract amount in lieu of the Contractor correcting non-conforming or defective work.

29. Owner's Right to do Work

29.1 The Owner may, using other contractors, correct deficiencies attributable to the Contractor, or complete unfinished work. Such action shall take place only after giving the Contractor three days written notice, and provided the Consultant approves of the proposed course of action as an appropriate remedy. The Owner may then deduct the cost of the remedial work from the amount due the Contractor.

29.2 The Owner may act with their sole discretion when the Contractor is unable to take action in emergency situations that potentially effect health, life or serious damage to the premises or adjacent properties, to prevent such potential loss or injury. The Owner shall inform the Contractor of the emergency work performed, particularly where it may affect the work of the Contractor.

30. Termination of Contract and Stop Work Action

30.1 The Owner may, owing to a certificate of the Consultant indicating that sufficient cause exists to justify such action, without prejudice to any other right or remedy and after giving the Contractor and the Contractor’s surety seven days written notice, terminate the employment of the Contractor. At that time the Owner may take possession of the premises and of all materials,

tools and appliances on the premises and finish the work by whatever method the Owner may deem expedient. Cause for such action by the Owner includes:

.1 the contractor is adjudged bankrupt, or makes a general assignment for the benefit of its creditors, or

.2 a receiver is appointed due to the Contractor's insolvency, or

.3 the Contractor persistently or repeatedly refuses or fails to provide enough properly skilled workers or proper materials, or

.4 the Contractor fails to make prompt payment to Subcontractors or suppliers of materials or labor, or

.5 the Contractor persistently disregards laws, ordinances or the instructions of the Consultant, or is otherwise found guilty of a substantial violation of a provision of the Contract Documents.

30.2 The Contractor is not entitled, as a consequence of the termination of the employment of the Contractor as described above, to receive any further payment until the Work is finished. If the unpaid balance of the contract amount exceeds the expense of finishing the Work, including compensation for additional architectural, managerial and administrative services, such balance shall be paid to the Contractor. If the expense of finishing the Work exceeds the unpaid balance, the Contractor shall pay the difference to the Owner. The Consultant shall certify the expense incurred by the Contractor's default. This obligation for payment shall continue to exist after termination of the contract.

30.3 The Contractor may, if the Work is stopped by order of any court or other public authority for a period of thirty consecutive days, and through no act or fault of the Contractor or of anyone employed by the Contractor, with seven days written notice to the Owner and the Consultant, terminate this contract. The Contractor may then recover from the Owner payment for all work executed, any proven loss and reasonable profit and damage.

30.4 The Contractor may, if the Consultant fails to issue a certificate for payment within seven days after the Contractor's formal request for payment, through no fault of the Contractor, or if the Owner fails to pay to the Contractor within 30 days after submission of any sum certified by the Consultant, with seven days written notice to the Owner and the Consultant, stop the Work or terminate this Contract.

31. Delays and Extension of Time

31.1 The completion date of the contract shall be extended if the work is delayed by changes ordered in the work which have approved time extensions, or by an act or neglect of the Owner, the Consultant, or the Owner's Contractor, or by strikes, lockouts, fire, flooding, unusual delay in transportation, unavoidable casualties, or by other causes beyond the Contractor's control. The Consultant shall determine the status of all claimed causes.

31.2 The contract shall not be extended for delay occurring more than seven calendar days before the Contractor's claim made in writing to the Consultant. In case of a continuing cause of delay, only one claim is necessary.

31.3 The contract shall not be extended due to failure of the Consultant to furnish drawings if no schedule or agreement is made between the Contractor and the Consultant indicating the dates

which drawings shall be furnished and fourteen calendar days has passed after said date for such drawings.

31.4 This article does not exclude the recovery of damages for delay by either party under other provisions in the Contract Document.

32. Payments to the Contractor

32.1 As noted under *Preconstruction Conference* in this section, the Contractor shall submit a Schedule of Values form, before the first application for payment, for approval by the Owner and Consultant. The Consultant may direct the Contractor to provide evidence that supports the correctness of the form. The approved Schedule of Values shall be used as a basis for payments.

32.2 The Contractor shall submit an application for each payment ("Requisition for Payment") on a form approved by the Owner and Consultant. The Consultant may require receipts or other documents showing the Contractor's payments for materials and labor, including payments to Subcontractors.

32.3 The Contractor shall submit Requisitions for Payment as the work progresses not more frequently than once each month, unless the Owner approves a more frequent interval due to unusual circumstances. The Requisition for Payment is based on the proportionate quantities of the various classes of work completed or incorporated in the Work, in agreement with the actual progress of the Work and the dollar value indicated in the Schedule of Values.

32.4 The Consultant shall verify and certify each Requisition for Payment which appears to be complete and correct prior to payment being made by the Owner. The Consultant may certify an appropriate amount for materials not incorporated in the Work which have been delivered and suitably stored at the site. The Contractor shall submit bills of sale, insurance certificates, or other such documents that will adequately protect the Owner's interests prior to payments being certified.

32.5 In the event any materials delivered but not yet incorporated in the Work have been included in a certified Requisition for Payment with payment made, and said materials thereafter are damaged, deteriorated or destroyed, or for any reason whatsoever become unsuitable or unavailable for use in the Work, the full amount previously allowed shall be deducted from subsequent payments unless the Contractor satisfactorily replaces said material.

32.6 The Contractor may request certification of an appropriate dollar amount for materials not incorporated in the Work which have been delivered and suitably stored away from the site. The Contractor shall submit bills of sale, insurance certificates, right-of-entry documents or other such documents that will adequately protect the Owner's interests. The Consultant shall determine if the Contractor's documentation for the materials is complete and specifically designated for the Project. The Owner may allow certification of such payments.

32.7 Subcontractors may request, and shall receive from the Consultant, copies of approved Requisitions for Payment showing the amounts certified in the Schedule of Values.

32.8 Certified Requisitions for Payment, payments made to the Contractor, or partial or entire occupancy of the project by the Owner shall not constitute an acceptance of any work that does

not conform to the Contract Documents. The making and acceptance of the final payment constitutes a waiver of all claims by the Owner, other than those arising from unsettled liens, from faulty work or materials appearing within one year from final payment or from requirements of the Drawings and Specifications, and of all claims by the Contractor, except those previously made and still unsettled.

33. Payments Withheld

33.1 The Owner shall retain five percent of each payment due the Contractor as part security for the fulfillment of the contract by the Contractor. The Owner may make payment of a portion of this "retainage" to the Contractor temporarily or permanently during the progress of the Work. The Owner may thereafter withhold further payments until the full amount of the five percent is reestablished. The Contractor may deposit with the Maine State Treasurer certain securities in place of retainage amounts due according to Maine Statute (5 M.R.S. §1746).

33.2 The Consultant may withhold or nullify the whole or a portion of any Requisitions for Payment submitted by the Contractor in the amount that may be necessary, in his reasonable opinion, to protect the Owner from loss due to any of the following:

.1 defective work not remedied;
.2 claims filed or reasonable evidence indicating probable filing of claims;
.3 failure to make payments properly to Subcontractors or suppliers;
.4 a reasonable doubt that the contract can be completed for the balance then unpaid;
.5 liability for damage to another contractor.

The Owner shall make payment to the Contractor, in the amount withheld, when the above circumstances are removed.

34. Liens

34.1 The Contractor shall deliver to the Owner a complete release of all liens arising out of this contract before the final payment or any part of the retainage payment is released. The Contractor shall provide with the release of liens an affidavit asserting each release includes all labor and materials for which a lien could be filed. Alternately, the Contractor, in the event any Subcontractor or supplier refuses to furnish a release of lien in full, may furnish a bond satisfactory to the Owner, to indemnify the Owner against any lien.

34.2 In the event any lien remains unsatisfied after all payments to the Contractor are made by the Owner, the Contractor shall refund to the Owner all money that the latter may be compelled to pay in discharging such lien, including all cost and reasonable attorney's fees.

35. Workmanship

35.1 The Contractor shall provide materials, equipment, and installed work equal to or better than the quality specified in the Contract Documents and approved in submittal and sample. The installation methods shall be of the highest standards, and the best obtainable from the respective trades. The Consultant's decision on the quality of work shall be final.

35.2 The Contractor shall know local labor conditions for skilled and unskilled labor in order to apply the labor appropriately to the Work. All labor shall be performed by individuals well skilled in their respective trades.

35.3 The Contractor shall perform all cutting, fitting, patching and placing of work in such a manner to allow subsequent work to fit properly, whether that be by the Contractor, the Owner's Contractors or others. The Owner and Consultant may advise the Contractor regarding such subsequent work. Notwithstanding the notification or knowledge of such subsequent work, the Contractor may be directed to comply with this standard of compatible construction by the Consultant at the Contractor's expense.

35.4 The Contractor shall request clarification or revision of any design work by the Consultant, prior to commencing that work, in a circumstance where the Contractor believes the work cannot feasibly be completed at the highest quality, or as indicated in the Contract Documents. The Consultant shall respond to such requests in a timely way, providing clarifying information, a feasible revision, or instruction allowing a reduced quality of work. The Contractor shall follow the direction of the Consultant regarding the required request for information.

35.5 The Contractor shall guarantee the Work against any defects in workmanship and materials for a period of one year commencing with the date of the Certificate of Substantial Completion, unless specified otherwise for specific elements of the project. The Work may also be subdivided in mutually agreed upon components, each defined by a separate Certificate of Substantial Completion.

36. Close-out of the Work

36.1 The Contractor shall remove from the premises all waste materials caused by the work. The Contractor shall make the spaces “broom clean” unless a more thorough cleaning is specified. The Contractor shall clean all windows and glass immediately prior to the final inspection, unless otherwise directed.

36.2 The Owner may conduct the cleaning of the premises where the Contractor, duly notified by the Consultant, fails to adequately complete the task. The expense of this cleaning may be deducted from the sum due to the Contractor.

36.3 The Contractor shall participate in all final inspections and acknowledge the documentation of unsatisfactory work, customarily called the "punch list", to be corrected by the Contractor. The Consultant shall document the successful completion of the Work in a dated Certificate of Substantial Completion, to be signed by Owner, Consultant, and Contractor.

36.4 The Contractor shall not call for final inspection of any portion of the Work that is not completely and permanently installed. The Contractor may be found liable for the expenses of individuals called to final inspection meetings prematurely.

36.5 The Contractor and all major Subcontractors shall participate in the end-of-warranty-period conference, typically scheduled close to one year after the Substantial Completion date.

37. Date of Completion and Liquidated Damages

37.1 The Contractor may make a written request to the Owner for an extension or reduction of time, if necessary. The request shall include the reasons the Contractor believes justifies the proposed completion date. The Owner may grant the revision of the contract completion date if the Work was delayed due to conditions beyond the control and the responsibility of the Contractor. The Contractor shall not conduct unauthorized accelerated work or file delay claims to recover alleged damages for unauthorized early completion.

37.2 The Contractor shall vigorously pursue the completion of the Work and notify the Owner of any factors that have, may, or will affect the approved Schedule of the Work. The Contractor may be found responsible for expenses of the Owner or Consultant if the Contractor fails to make notification of project delays.

37.3 The Project is planned to be done in an orderly fashion which allows for an iterative submittal review process, construction administration including minor changes in the Work and some bad weather. The Contractor shall not file delay claims to recover alleged damages on work the Consultant determines has followed the expected rate of progress.

37.4 The Consultant shall prepare the Certificate of Substantial Completion which, when signed by the Owner and the Contractor, documents the date of Substantial Completion of the Work or a designated portion of the Work. The Owner shall not consider the issuance of a Certificate of Occupancy by an outside authority a prerequisite for Substantial Completion if the Certificate of Occupancy cannot be obtained due to factors beyond the Contractor's control.

37.5 Liquidated Damages may be deducted from the sum due to the Contractor for each calendar day that the Work remains uncompleted after the completion date specified in the Contract or an approved amended completion date. The dollar amount per day shall be calculated using the Schedule of Liquidated Damages table shown below.

If the original contract amount is:	The per day Liquidated Damages shall be:
Less than $100,000	$250
$100,000 to less than $2,000,000	$750
$2,000,000 to less than $10,000,000	$1,500
$10,000,000 and greater	$1,500 plus $250 for each $2,000,000 over $10,000,000

38. Dispute Resolution

38.1 Mediation

38.1.1 A dispute between the parties which arises under this Contract which cannot be resolved through informal negotiation, shall be submitted to a neutral mediator jointly selected by the parties.

38.1.2 Either party may file suit before or during mediation if the party, in good faith, deems it to be necessary to avoid losing the right to sue due to a statute of limitations. If suit is filed before good faith mediation efforts are completed, the party filing suit shall agree to stay all proceedings in the lawsuit pending completion of the mediation process, provided such stay is without prejudice.

38.1.3 In any mediation between the Owner and the Consultant, the Owner has the right to consolidate related claims between Owner and Contractor.

38.2 Arbitration

38.2.1 If the dispute is not resolved through mediation, the dispute shall be settled by arbitration. The arbitration shall be conducted before a panel of three arbitrators. Each party shall select one arbitrator; the third arbitrator shall be appointed by the arbitrators selected by the parties. The arbitration shall be conducted in accordance with the Maine Uniform Arbitration Act (MUAA), except as otherwise provided in this section.

38.2.2 The decision of the arbitrators shall be final and binding upon all parties. The decision may be entered in court as provided in the MUAA.

38.2.3 The costs of the arbitration, including the arbitrators' fees shall be borne equally by the parties to the arbitration, unless the arbitrator orders otherwise.

38.2.4 In any arbitration between the Owner and the Consultant, the Owner has the right to consolidate related claims between Owner and Contractor.

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Wage Determination Schedule

PART 1- GENERAL

1.1 Related Documents
A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 01 Specifications Sections, apply to this Section.

1.2 Summary
A. This Section includes the wage determination requirements for Contractors as issued by the State of Maine Department of Labor Bureau of Labor Standards or the United States Department of Labor.

1.3 Requirements
A. Conform to the wage determination schedule for this project which is shown on the following page.

PART 2 - PRODUCTS (not used)

PART 3 - EXECUTION (not used)

THIS DOCUMENT MUST BE CLEARLY POSTED AT ALL CONSTRUCTION SITES FUNDED IN PART WITH STATE FUNDS

State of Maine
Department of Labor
Bureau of Labor Standards
Augusta, Maine 04333-0045
Telephone (207) 623-7906

Wage Determination - In accordance with 26 MRS §1301 et. seq., this is a determination by the Bureau of Labor Standards, of the fair minimum wage rate to be paid to laborers and workers employed on the below titled project.

2026 Fair Minimum Wage Rates – Highway & Earth Washington County

Occupational Title	Minimum Wage	Minimum Benefit	Total
Brickmasons and Blockmasons	$43.02	$7.64	$50.66
Bulldozer Operator	$29.19	$5.62	$34.81
Carpenter	$33.75	$3.55	$37.30
Cement Masons and Concrete Finisher	$24.42	$2.52	$26.94
Construction and Maintenance Painters	$37.24	$16.63	$53.87
Construction Laborer	$23.02	$0.30	$23.32
Conveyor Operators and Tenders	$30.17	$13.77	$43.94
Crane and Tower Operators	$40.43	$8.63	$49.06
Crushing Grinding and Polishing Machine Operators	$26.15	$3.24	$29.39
Earth Drillers - Except Oil and Gas	$25.04	$3.77	$28.81
Electrical Power - Line Installer and Repairers	$48.12	$15.63	$63.75
Electricians	$50.10	$5.18	$55.28
Elevator Installers and Repairers	$67.34	$39.76	$107.10
Excavator Operator	$29.33	$3.87	$33.20
Fence Erectors	$31.01	$3.35	$34.36
Flaggers	$21.10	$1.06	$22.16
Floor Layers - Except Carpet/Wood/Hard Tiles	$29.00	$8.65	$37.65
Glaziers	$39.32	$19.22	$58.54
Hazardous Materials Removal Workers	$24.12	$1.60	$25.72
Heating and Air Conditioning and Refrigeration Mechanics and Installers	$35.68	$5.93	$41.61
Heavy and Tractor - Trailer Truck Drivers	$27.98	$3.26	$31.24
Highway Maintenance Workers	$19.41	$4.56	$23.98
Industrial Machinery Mechanics	$29.97	$6.74	$36.71
Industrial Truck and Tractor Operators	$24.61	$4.21	$28.82
Insulation Worker - Mechanical	$27.35	$6.05	$33.40
Light Truck or Delivery Services Drivers	$26.79	$5.14	$31.93
Loading Machine and Dragline Operators	$26.61	$3.68	$30.29
Millwrights	$35.99	$10.52	$46.51
Mobile Heavy Equipment Mechanics - Except Engines	$22.30	$8.71	$31.01
Operating Engineers and Other Equipment Operators	$24.65	$5.07	$29.72
Paving Surfacing and Tamping Equipment Operators	$30.17	$13.85	$44.02
Pile-Driver Operators	$37.15	$3.12	$40.27
Pipe/Steam/Sprinkler Fitter	$32.33	$7.56	$39.89
Pipelayers	$28.75	$3.64	$32.39
Plumbers	$34.11	$7.80	$41.91
Radio Cellular and Tower Equipment Installers	$34.72	$5.63	$40.35
Reinforcing Iron and Rebar Workers	$32.94	$20.82	$53.76
Riggers	$31.25	$7.68	$38.93
Roofers	$25.50	$3.49	$28.99
Sheet Metal Workers	$28.77	$7.00	$35.77
Structural Iron and Steel Workers	$30.98	$7.12	$38.10
Tapers	$29.16	$5.64	$34.80
Telecommunications Equipment Installers and Repairers - Except Line Installers	$37.09	$10.21	$47.30
Telecommunications Line Installers and Repairers	$28.49	$5.29	$33.78
Tile and Marble Setters	$28.91	$5.46	$34.37

Welders are classified as the trade to which welding is incidental (e.g. welding structural steel is Structural Iron and Steel Worker)

Apprentices – The minimum wage rates for registered apprentices are the rates recognized in the sponsorship agreement for registered apprentices working in the pertinent classification.

For any other specific trade on this project not listed above, contact the Bureau of Labor Standards for further clarification.

Title 26 §1310 requires that a clearly legible statement of all fair minimum wage and benefits rates to be paid the several classes of laborers, workers and mechanics employed on the construction on the public work must be kept posted in a prominent and easily accessible place at the site by each contractor and subcontractor subject to sections 1304 to 1313.

Appeal – Any person affected by the determination of these rates may appeal to the Commissioner of Labor by filing a written notice with the Commissioner stating the specific grounds of the objection within ten (10) days from the filing of these rates.

A true copy

Attest: Scott R. Cotnoir
Scott R. Cotnoir
Wage & Hour Director
Bureau of Labor Standards

Supersedes 01-01-2025
Effective 01-10-2026

DIVISION 01

SECTION 01 11 00
SUMMARY OF WORK

Description:

The work items cover the extent and character of the work. The Contractor shall complete any partially described work items, if any, to perform the functions intended.

Minor adjustments to the lines and grades may be made by the Owner to provide a better completed installation and such changes shall not be considered subject to extra charges.

Construction traffic shall obey speed limits and be considerate of area property owners.

Specific Items of Work:

The Meddybemps Lake Boating Facility Renovations project shall include, but not be limited to the following:

1. Remove existing concrete planks, concrete curbing, and pavement from the existing boat ramp.

2. Installation of new 20-foot-wide trailered launch ramp built of precast 10-ft concrete planks over crushed stone base materials and geotextile, held in-place by concrete curb and riprap. The precast concrete planks and hardware will be supplied by the Owner. The planks and hardware are stored at the Bureau of Parks and Lands Boating Facilities Division in Richmond.

3. Curbing on the ramp shall be standard precast concrete street curb. Curb to be supplied by Contractor.

4. Fine grade and install hot mix asphalt pavement.

5. Install a 6′x 8′x 4″concrete pad with welded wire mesh for a portable toilet.

General Notes:

1. All granular materials/aggregates and hot mix asphalt pavement shall conform to MaineDOT Standard Specifications, (latest revision) unless otherwise noted on the construction drawings. The placement and compaction shall be in accordance with these specifications.

2. Woven geotextile shall be installed over subgrade wherever unsuitable material is encountered or where shown on plans. Geotextile shall be Mirafi FW700 or approved equal.

3. It is the Contractor's responsibility to control dust within the project area.

4. Removal of boulders smaller than 10 cu. yd. will be an incidental item. Boulders shall be moved out of the work area or removed from the site. Any boulders within the water shall be relocated from the work area, but not removed from the water.

5. The Contractor is responsible for erosion and sediment control, and shall install measures such as silt fence, hay bales, temporary mulching in accordance with the "Maine Erosion and Sediment Control BMPs", latest edition.

6. Providing all items necessary to result in a complete and functioning project, even if not specified. Materials not specified, but necessary, shall be of the Contractor's choice for no additional cost to the Owner.

END OF SECTION

SECTION 01 33 23

CONTRACTOR FURNISHED SHOP DRAWINGS/SUBMITTALS

PART 1 - GENERAL

1.1 Description:

A. Work Included:
   1. Submit to the Engineer, Shop Drawings, Operation and Maintenance Manuals, Manufacturer's Certificates, Project Data, and Samples required by the Specification Sections.

1.2 Shop Drawings/Submittals:

A. Promptly after the signing of the Agreement and in no case later than 15 days thereafter, the Contractor shall submit to the Engineer a complete list of the drawings which will be submitted for review in accordance with this specification. The drawing number, title, proposed submission date and actual submission date shall be given for each drawing.

B. The Contractor shall submit to the Engineer a minimum of six (6) copies of shop drawings and approved data.

C. The Contractor shall be responsible for the prompt and timely submittal of all shop and working drawings so that there shall be no delay to the work due to the absence of such drawings.

D. No material or equipment shall be purchased or fabricated especially for the Contract until the required shop and working drawings have been submitted as hereinabove provided and reviewed for conformance to the Contract requirements. All such materials and equipment and the work involved in their installation or incorporation into the Work shall then be as shown in and represented by said drawings.

E. If a shop drawing shows any deviation from the Contract requirements, the Contractor shall make specific mention of the deviations in his letter of transmittal.

F. Should the Contractor submit equipment that requires modifications to the structures, piping, electrical conduit, wires and appurtenances, layout, etc., detailed on the Drawings, he shall also submit details of the proposed modifications. If such equipment and modifications are accepted, the Contractor, at no additional cost to the Owner, shall do all work necessary to make such modifications.

G. A maximum of two submissions of each Shop Drawing will be reviewed, checked, and commented upon without charge to the Contractor. Any additional submissions which are ordered by the Engineer to fulfill the stipulations of the Drawings and Specifications, and which are required by virtue of the Contractor's neglect or failure to comply with the requirements of the Drawings and Specifications, or to make those modifications and/or corrections ordered by the Engineer in the review of the first two submissions of each Shop Drawing, will be reviewed and checked as deemed necessary by the Engineer, and the cost of such review and checking, as determined by the Owner, and based upon Engineer's documentation of time and rates established for additional services in the Owner-Engineer Agreement for this Project, may be deducted from the Contractor to make all modifications and/or corrections as may be required by the Engineer in an accurate, complete, and timely fashion.

H. The Contractor shall check all shop drawings prior to submittal to the Engineer for compliance with the Contract Drawings and Specifications. All shop drawings shall bear the Contractor's stamp indicating that they have been so checked. All shop drawings of equipment shall bear the seal of certification of the vendor and/or manufacturer.

I. The Engineer will review the shop drawings and return three (3) copies of each marked, NO EXCEPTIONS TAKEN, MAKE CORRECTIONS INDICATED, or CONDITIONAL TO TRANSMITTAL LETTER, with further directions to REVISE AND RESUBMIT, or REJECTED - SEE REMARKS.

J. If the shop drawing is returned to the Contractor stamped NO EXCEPTIONS TAKEN, he may immediately proceed with the work. If the shop drawing is returned to the Contractor stamped MAKE CORRECTIONS INDICATED, he may proceed with the work taking into account the corrections noted on the shop drawing. However, corrected drawings shall be submitted to the Engineer for information within fourteen (14) days after receipt of drawings stamped MAKE CORRECTIONS INDICATED.

K. If the shop drawing is returned to the Contractor stamped MAKE CORRECTIONS INDICATED and REVISE AND RESUBMIT, he shall not proceed with the work but shall make the corrections and resubmit the revised shop drawing to the Engineer for review.

1.3 **Submission Requirements**:

A. Accompany submittals with transmittal letter, containing:
   1. Date
   2. Project title and number
   3. Contractor's name and address
   4. The number of each Shop Drawing, Project Data, and Sample submitted.
   5. Notification of deviations from Contract Documents.
   6. Other pertinent data.

B. Submittals shall include:
   1. Date and revision dates.
   2. Project title and number.
   3. The names of:
      a. Engineer
      b. Contractor
      c. Subcontractor
      d. Supplier
      e. Manufacturer
      f. Separate detailer when pertinent.
   4. Identification of product or material.
   5. Relation to adjacent structure or materials.
   6. Field dimensions, clearly identified as such.
   7. Specification section number.
   8. Applicable standards, such as ASTM number or Federal Specification.
   9. A blank space, 4"x4", for the Engineer's stamp.
   10. Form entitled "Submittal Certification Form" (included at the end of this Section), shall be completed in its entirety. Contractor's failure to denote any deviations from Contract Documents shall be taken as an indication that all information contained within the submittal is in full and complete conformance with the Contract.

1.4 **Resubmission Requirements**

A. Revise initial drawings as required and resubmit as specified for initial submittal.

B. Clearly indicate on drawings any changes which have been made other than those required by Engineer.

C. When the shop drawings are resubmitted, the drawings shall incorporate all of the marked revisions. When differing from the marked revisions, the Contractor shall state his reasons for omitting and/or modifying the marked revisions on the Submittal Certification Form. Resubmittals shall be made in the same manner as the original submittal.

1.5 **Engineer's Review**:

The review of the shop drawings shall be general only and shall not relieve the Contractor in any way from his responsibility for proper detailing of the design, satisfactory construction, compliance with the Specifications and applicable codes, or for errors or omissions of any kind in the final installed work.

SUBMITTAL CERTIFICATION FORM

Project: _____ Contractor's Project No.: _____

Contractor: _____ Engineer's Project No.: _____

Engineer: _____

Transmittal No.: _____ Shop Drawing No.: _____

Specification or Shop Drawing No. _____

Description: _____

The above referenced submittal has been reviewed by the undersigned and I/we certify that the material and/or equipment meets or exceeds the project specification requirements with

_____ No Deviations
or
_____ A Complete List of Deviations as Follows:

_____

_____

_____

_____

_____

By: _____ By: _____
Contractor[a] Manufacturer[b]

Date: _____ Date: _____

[a] Required on all submittals
[b] When required by specifications

END OF SECTION

SECTION 01 57 14

TEMPORARY WATER SILT BARRIER

PART 1 - GENERAL

1.1 Work

The work involves the installation of a turbidity curtain around the perimeter of all in-water work.

PART 2 - PRODUCTS

2.1 Water Silt Barrier

The turbidity curtain shall be provided by the Contractor.

PART 3 - EXECUTION

3.1 General

The barrier is intended to be in place prior to the excavation and filling activities for the launch ramp.

The barrier is to be left in place until the new launch planks have been placed and the concentration of turbidity has decreased.

3.2 Installation

A. Install from shore to shore, extend from above the water level to the river/lake bottom, and be bottom weighted to provide a secure bottom seal and hold the fabric to any uneven contour where the river/lake bottom rises to the shore.

B. Install the barrier prior to start up of work; be maintained during the progress of the work; remain, as directed by the Owner, until suspended sedimentation has settled; and be completely removed when work is completed.

END OF SECTION

DIVISION 31

SECTION 31 23 00

EXCAVATION, FILLING & GRADING

PART 1 - GENERAL

1.1 Description

A. Provide all labor, materials, equipment and supervision necessary to complete the work specified in this Section as shown on the Contract Drawings or both but not limited to the following.
   1. Excavation, filling, backfilling, grading and subgrade preparation for concrete work.
   2. Excavation, trenching and backfilling for utilities to the limits shown on the drawings.

1.2 Quality Assurance

A. Soil testing and inspection service:
   1. The Owner may complete soil testing and field observation of earthwork procedures for quality control during earthwork operations.

1.3 Submittals

A. Contractor shall submit test results from a certified soils testing lab of each type of material to be brought in from off site.

1.4 Job Conditions

A. Site information: Data on indicated subsurface conditions are not intended as representations or warrants of continuity of such conditions between soil borings. It is expressly understood that the Owner will not be responsible for interpretations of conclusions drawn therefore by Contractor.
   1. Additional test borings and other exploratory operations may be made by Contractor at no cost to owner.

B. Existing utilities: Contact Dig Safe to locate existing underground utilities in the areas of work. If utilities are to remain in place, provide adequate means of protection during earthwork operations.
   1. Should uncharted or incorrectly charted piping or other utilities be encountered during excavation, consult the Engineer immediately for directions as to procedure. Cooperate with Owner and utility companies in keeping respective services and facilities in operation. Repair damaged utilities to satisfaction of utility owner.

2. Do not interrupt existing utilities serving facilities occupied and used by Owner or others, except when permitted in writing by Engineer and then only after acceptable temporary utility services have been provided.

C. Use of explosives:
1. Do not bring explosives onto site or use in work without prior written permission from authorities having jurisdiction. Contractor is solely responsible for handling, storage and use of explosive materials when their use is permitted.

D. Protection of persons and property: Barricade open excavations occurring as part of this work and post with warning lights. Operate warning lights during hours from dusk to dawn to each day and as otherwise required.
1. Protect structures, utilities, sidewalks, pavements and other facilities from damage caused by settlement, lateral movement, undermining, washout and other hazards created by earthwork operations.

1.5 Disturbance of Excavated and Filled Areas During Construction

A. The Contractor shall take the necessary steps to avoid disturbance of subgrade during excavation and filling operations. Methods of excavation and filling operations shall be revised as necessary to avoid disturbance of the subgrade, including restricting the use of rubber tired Vehicles or other equipment in areas where subgrade is above optimum moisture level and will become disturbed due to movement of vehicles.

B. All excavated or filled areas disturbed during construction that will not meet compaction requirements as specified herein shall be removed and replaced with gravel fill or crushed stone. Costs of removal of disturbed material and recompaction with gravel fill or crushed stone shall be borne by the Contractor.

1.6 Related Work

Related work specified elsewhere: Aggregate Surface, Base and Subbase Course Gravel (32 11 00).

PART 2 - PRODUCTS

2.1 Definitions

A. All sieve analysis for conformance of on-site and off-site fill materials to be used in the work shall conform to ASTM D-422. In addition to the requirements of this ASTM designation all materials beyond the #60 sieve shall be done by means of a mechanical wet sieve analysis.

2.2 Solid Materials

A. 1-1/2" crushed stone: Material for crushed stone shall be clean, angular fragments of sound rock, free of organic materials, trash, snow, ice, frozen soil and other objectionable material and shall be well graded within the following limits:

SIEVE SIZE	PERCENT FINER BY WEIGHT
1-1/2"	100
1"	0-20
#200	0-5

B. 3/4" Crushed Stone: Material for crushed stone be shall be clean, angular fragments of sound rock, free of organic materials, trash, snow, ice, frozen soil and other objectionable material and shall be well graded within the following limits:

SIEVE SIZE	PERCENT FINER BY WEIGHT
1"	100
3/4"	90-100
1/2"	10-35
#200	0-5

C. Common Borrow: Common borrow, conforming to MDOT 703.18, shall consist of earth, suitable for embankment construction. It shall be free from frozen material, perishable rubbish, peat, and other unsuitable material.

The moisture content shall be sufficient to provide the required compaction and stable embankment. In no case shall the moisture content exceed 4% above optimum, which shall be determined in accordance with AASHTO T180, Method C or D.

D. Granular Borrow: Granular borrow, conforming to MDOT 703.19, shall consist of sand or gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of that portion passing a 75mm (3 in.) sieve shall meet the gradation requirements of the following table:

SIEVE SIZE	PERCENT FINER BY WEIGHT
#40	0-70
#200	0-20

Granular borrow shall contain no particles or fragments with a maximum dimension in excess of the compacted thickness of the layer being placed.

E. Ditch Turnout Stone: Material used for the berms constructed to disperse runoff from the ditch turnouts to the vegetated buffers. It shall be free of organic material, loam, trash, snow, ice, frozen soil and other objectionable material and shall be well-graded within the following limits:

SIEVE SIZE	PERCENT FINER BY WEIGHT
6"	100
3”	40-50
1”	0-3

F. Stone Ditch Protection: Rock used for ditch protection shall consist of sound, durable rock that will not disintegrate by exposure to water or weather. Fieldstone, rough quarry stone, blasted ledge rock or tailings may be used. The size of any stone shall not exceed 450 mm[18 in] when measured along its longest axis. The rock shall be free from vegetable matter, lumps, or balls of clay and other deleterious substances and graded within the following limits or as otherwise:

SIEVE SIZE	PERCENT FINER BY WEIGHT
12"	90-100
4”	0-15

G. Fill materials: Provide adequate quantities of fill materials where existing on site materials are insufficient or unsuitable for use as specified. On site material may be used for other fill classifications provided the material conforms to the requirements of the specifications for the type of fill.

H. Borrow: Shall consist of approved material required for the construction of fills or other portions of the work and shall be obtained from approved sources.

I. For this project, the supplied gravel, EXCEPT FOR SURFACE GRAVEL, WILL NOT be required to meet a minimum degradation value. All other requirements of Subsection 703.06 2020 MDOT Standard Specifications still apply.

PART 3 - EXECUTION

3.1 Inspection

A. Examine the areas and conditions under which excavating, filling and grading are to be performed and notify the Engineer in writing of conditions detrimental to the proper and timely completion of the work. Do not proceed with the work until unsatisfactory conditions have been corrected in an acceptable manner.

3.2 Excavation

A. Excavation consists of removal and disposal of materials encountered when establishing required grade elevations.

Dig Safe shall be properly notified 72 business hours prior to any excavation.

B. Perform all excavation of every description and of whatever substances encountered to the depths and extent indicated for the proper installation of the work.

C. Excavate to the exact depth required for all utility systems. Utility trenches shall be over excavated to accommodate pipe bedding as specified hereinafter.

D. Earth excavation: The following classification of excavation will be made only when rock excavation is encountered.
   1. Earth excavation - consists of removal and disposal of pavements and other obstruction visible on ground surface, underground structures and utilities indicated to be demolished and removed, material of any classification indicated in data on subsurface conditions and other materials encountered that are not classified as rock excavation.

E. Unauthorized excavation consists of removal of materials beyond indicated subgrade elevations or dimensions without specific direction of Engineer.
   1. Backfill and compact unauthorized excavations with materials as specified for authorized excavation of same classification, unless otherwise directed by Engineer. This work shall be completed at no additional cost to the Owner.

F. Stability of excavation: Slope sides of excavation to comply with local codes and ordinances having jurisdiction. Shore and brace where sloping is not possible either because of space restrictions or stability of material excavated.
   1. Maintain side and slopes of excavation in a safe condition until completion of backfilling.

G. Shoring and bracing: Provide adequate shoring and bracing, such as sheet piling, uprights, stringers and cross-braces, in good serviceable condition.
   1. Trench shoring and bracing shall comply with Federal, State, and local codes and authorities having jurisdiction.
   2. Maintain shoring and bracing in excavations regardless of time period excavations will be open. Carry down shoring and bracing as excavation progresses.

H. Dewatering: Prevent surface water and subsurface or ground water from flowing into excavations or onto any work and from flooding project site and surrounding area.

1. Do not allow water to accumulate in excavations. Remove water to prevent softening of subgrades and soil changes detrimental to stability of subgrades. Provide and maintain pumps, sumps, suction and discharge lines and other dewatering system components necessary to convey water away from excavations.

I. Material storage: Stockpile satisfactory excavated materials where directed, until required for backfill or fill. Place grade and shape stockpiles for proper drainage.

J. Excavation for structures: Conform to elevations and dimensions 0.1' and extending a sufficient distance from footings and foundations to permit placing and removal of concrete formwork, installation of services, other construction required and for inspection.

1. In excavating for footings and foundations, take care not to disturb bottom of excavation. Excavate by hand to final grade just before concrete is placed. Trim bottoms to required lines and grades to leave solid base to receive concrete.
2. If requested by the Engineer, the Contractor shall over-excavate approximately 6" for footings and place a working mat of crushed stone to prevent subgrade disturbance of material in place or in fill material.

K. Excavation for pavements: Cut surface under pavements to comply with cross-sections, elevations and grades as shown.

L. Excavation for ditches: Cut ditches to cross-sections and grades as shown. Deposit excavated materials to prevent cave-ins or material falling or sliding into ditch. Keep ditches free of debris until final acceptance of the work.

M. Excavation for utilities: The trench for the pipe shall be excavated to the required line and grade and of sufficient width to permit thorough compacting and tamping of the fill material under the haunches and around the pipe. In general, utility trenches shall be excavated to a point 6 inches below the bottom of the utility line to accommodate bedding material as specified hereinafter. Soft or unsuitable material encountered below the normal bedding line of the pipe shall be removed as directed, replaced with selected material, gravel or crushed stone and thoroughly compacted. The bottom of the trench shall be shaped to conform to the curvature of the pipe. This bed shall also be excavated to accommodate the bells of pipes.

N. Removal of unsatisfactory soil materials: Excavate unsatisfactory soil materials encountered that extend below required elevations, to additional depth directed by the Engineer.
   1. Such additional excavation, provided it is not due to fault or neglect of Contractor, will be measured as directed by Engineer and paid for as a change in the work.
   2. Material that is above or below optimum moisture for compaction of the particular material in place and is disturbed by the Contractor during construction operations so that proper compaction cannot be reached shall be construed as unsuitable bearing materials or unsatisfactory soil materials. This material shall be removed and replaced with lean concrete or compacted gravel fill at no additional charge.

O. Cold weather protection: Protect excavation bottoms against freezing when atmospheric temperature is less than 35° F.

P. Blasting: Perform blasting operations using skilled personnel in compliance with governing regulations. Comply with ANSI A10.1 "Safety Code for Building Construction" for the minimum requirements for blasting.
   1. Conduct blasting operations using explosives of such quantity and power and fired in such sequence and locations, as not to injure personnel or damage property, or damage adjacent work. Assume full responsibility for damages resulting from or attributable to blasting operations.
   2. A pre-blast survey is required prior to the undertaking of the blasting operations.

3.3 Compaction

A. General: Control soil compaction during construction providing minimum percentage of density specified for each area classification.

B. Percentage of maximum density requirements: Provide not less than following percentages of maximum density of soil material as determined by ASTM Test D1557, latest revision (Modified Proctor).
   1. Utility Structures: Compact top 12" of subgrade and each layer of backfill or fill material to 95% maximum density.
   2. Building Slabs and Pavements: Compact top 12" of subgrade and each layer of backfill or fill material to 95% maximum density.
   3. Lawn or other Grassed Areas: Compact top 6" of subgrade and each layer of backfill or fill material to a density approximating that of the adjacent undisturbed material but to a minimum of 90%.
   4. Walkways: Compact top 6" of subgrade to 95% and each layer of backfill material to 95% maximum density.
   5. Utility Trenches: Compact top 12" of subgrade to 95% and each layer of backfill or fill material 12" over the pipe to 95%. Above this point compact filled trench to specifications listed for the use above the pipe.

C. Moisture Control: Where subgrade or layer of soil material must be moisture

conditioned before compaction, uniformly apply water to surface of subgrade, or layer of soil material, to obtain optimum moisture content.

1. Remove and replace or scarify and air dry, soil material that is too wet to permit compaction to specified density.
    a. Soil material that has been removed because it is too wet to permit compaction may be stockpiled or spread and allowed to dry. Assist drying by discing, harrowing or pulverizing, until moisture content is reduced by a satisfactory value, as determined by moisture-density relation tests.

3.4 Backfill

A. General: Place acceptable soil material in layers to required subgrade elevations for each area classification listed below.
    1. Adjacent to building and under roadways.
    2. Under building slabs and footings material shall be structural fill.
    3. Under landscaped areas fill material shall be common fill.

B. Backfill excavations as promptly as work permits, but not until completion of the following.
    1. Acceptance by Engineer of construction below finish grade.
    2. Inspection, testing, approval and recording locations of underground utilities.
    3. Removal of concrete framework.
    4. Removal of shoring and bracing and backfilling of voids with satisfactory materials. Cut off temporary sheet piling driven below bottom of structures and remove in manner to prevent settlement of the structure or utilities or leave in place of required.
    5. Removal of trash and debris.

C. Ground surface preparation: Remove vegetation, debris, unsatisfactory soil materials, obstructions and deleterious materials from ground surface prior to placement of fills.

D. Placement and compaction: All compacted fill shall be placed in layers having a maximum loose layer thickness of 12 inches. Each layer shall be systematically compacted to the density specified hereinbefore.
    1. Compaction equipment in confined areas shall be accomplished by hand operated vibratory equipment or mechanical tampers as approved by the Soils Inspector.
    2. Fill layers shall not be left in an uncompacted state at the close of a day's operations. Prior to terminating operations for the day, the final layer of fill, after compaction, shall be rolled with a smooth-wheeled roller to eliminate ridges of soil left by tractors, trucks and compaction equipment. Slope all fill to drain at termination or work day.
    3. The Contractor shall not place a layer of compacted fill on snow, ice or soil that was permitted to freeze prior to compaction. Removal of these unsatisfactory materials will be required as directed by the Engineer.

4. Each lift of placed and compacted material shall be tested an independent soils testing firm engaged and paid directly by the Contractor. Do not proceed with additional lifts until authorized by the Engineer. See paragraph 3.7 for requirements.

E. Backfilling of utilities: Place bedding 6" below pipe up to the vertical center of the pipe as shown on plans. Then place select backfill, which can be sand or bedding material, to a depth of 6" above the pipe as shown on the plans. All other backfill shall be as specified elsewhere according to above conditions.

3.5 Grading

A. General: Uniformly grade areas within limits of grading under this section, including adjacent transition areas. Smooth finished surface within specified tolerances, compact with uniform levels or slopes between points where elevations are shown, or between such points and existing grades.

B. Grading outside building lines: Grade areas adjacent to building lines to drain away from structures and to prevent ponding. Finish surfaces shall be free from irregular surface changes.

C. Grading surface to fill under future building slabs: Grade smooth and even, free of voids, compacted as specified and to required elevation. Provide final grades within a tolerance of 1/4" when tested with a 10' straightedge.

D. Compaction: After grading, compact subgrade surfaces to the depth and percentage of maximum density for each area classification.

3.6 Base Course

A. General: Base course consists of placing base material, in layers of specified thickness, over ground surface to support a bituminous or concrete pavement.

B. Grade control: During construction, maintain lines and grades including crown and cross-slope of base course.

C. Shoulders: Place shoulders along edges of base course to prevent lateral movement. Construct shoulders of acceptable soil materials, placed in such quantity to compact to thickness of each base course layer. Compact and roll at least a 2 foot width of shoulder simultaneously with compacting and rolling of each layer of base course.

D. Placing: Place base course material on prepared subgrade in layers of uniform thickness, conforming to indicated cross-section and thickness. Maintain optimum moisture content for compacting base material during placement operations.
1. When a compacted base course is shown to be 12" thick or less, place

material in a single layer. When shown to be more than 12" thick, place material in layers.

3.7 Field Quality Control

A. All operations under this Section of the Specification will be subject to the observation of the Engineer. When required, an independent/qualified soils testing firm shall be engaged and paid directly by the Contractor and shall report to Owner/Engineer. The Engineer will determine conformance of materials and workmanship, particularly compaction, to the requirements of this Specification.
   1. The soils testing firm shall make such tests of materials and compaction as the Engineer directs. Costs of such tests shall be borne by the Contractor.
   2. The soils testing firm will make a reasonable number of tests or visual examinations of materials proposed for fill.
   3. Areas for which tests indicate insufficient compaction shall be re-compacted and retested until the areas conform to the requirement of the appropriate Specification.
   4. In-place density testing shall be done in accordance with ASTM D2922 Nuclear Densometer.

3.8 Maintenance

A. Protection of graded areas: Protect newly graded areas from traffic and erosion and keep free of trash and debris.
   1. Repair and re-establish grades in settled, eroded, and rutted areas to specified tolerance.

B. Reconditioning compacted areas: Where completed compacted areas are disturbed by subsequent construction operations or adverse weather, scarify surface, re-shape, and compact to required density prior to further construction.

3.9 Disposal of Excess and Waste Materials

A. The Contractor shall properly dispose of all excess material.

END OF SECTION

SECTION 31 25 00

EROSION AND SEDIMENTATION CONTROLS

PART 1 – GENERAL

1.1 Description

A. Certification:
As required under M.R.S.A. § 439-B, an excavation contractor conducting excavation activity in a shoreland area shall ensure that a person certified in erosion control practices by the Department of Environmental Protection (DEP) is responsible for management of erosion and sediment control practices at the site, and is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed.

These requirements apply until the permanent erosion control measures have been installed and appropriate vegetation has been established.

B. Work Included:
1. The work under this Section shall include provision of all labor, equipment, materials and maintenance of erosion control devices, as specified herein, as shown on the Drawings and as required to prevent erosion.
2. Erosion control measures shall be provided as necessary to correct conditions that develop prior to the completion of permanent erosion control devices, or as required to control erosion that occurs during normal construction operations.
3. Construction operations shall comply with all federal, state, and local regulations pertaining to erosion control.
4. Employ such erosion control devices as may be necessary until such time that adequate soil stabilization has been achieved.
5. All erosion control measures shall be in accordance with standards outlined in the *Maine Erosion and Sediment Control Best Management Practices*, Bureau of Land and Water Quality, Maine Department of Environmental Protection, October 2016.
6. Erosion control measures shall be provided in accordance with applicable permit requirements contained in Section 3 and the Erosion and Sedimentation Control plan shown on the drawings.

C. Related Work Specified Elsewhere:
1. Site work is specified in appropriate sections of this division.

1.2 Submittals

The Contractor shall submit to the Engineer evidence of DEP certification for erosion control practices and work within the shoreland zone, along with a detailed erosion control work plan for the Engineer's approval outlining the methods and materials that the Contractor intends to use to control erosion at the site until adequately stabilized. The plan shall include exact locations of erosion and sedimentation control measures and methods to be used to clean up eroded areas. The plans shall be approved by the Engineer prior to the disturbance of any soils.

PART 2 – PRODUCTS

2.1 Materials

A. Baled Hay:
   1. At least 14" by 18" by 30" securely tied to form a firm bale, staked as necessary to hold the bale in place.

B. Sand Bags:
   1. Heavy cloth bags of approximately one cubic foot capacity filled with sand or gravel.

C. Mats & Nettings:
   1. Twisted craft paper, yarn, jute, excelsior and wood fiber mats.

   2. Type and use shall be as specified by the *Maine Erosion and Sediment Control Best Management Practices*, herein after referred to as the Best Management Practices (BMP's).

D. Seed:
   1. Conservation mix appropriate to the predominant soil conditions, as specified in the BMP's and subject to approval by the Engineer.

E. Sod:
   1. Grown from certified seed of adapted varieties to produce high quality sod free of any serious thatch, weeds, insects, diseases, and other pest problems.
   2. At least one year old and not older than three years. Cut with a 1/2 to 1 inch layer of soil.

F. Filter Fabrics:
   1. Filter fabric shall be of one of the commercially available brands such as Mirafi, Typar or equivalent. Fabric types for particular applications shall be approved by the Engineer prior to installation.

G. Floating Silt Boom (turbidity curtain):
   1. Provide geotextile fabric and components made from polypropylene, polyester, polyamide or other chemically stable material and be resistant to ultraviolet radiation degradation for at least 12 months of installation. Provide silt retention capacity of not less than 75 percent, Mullen Burst Test range of not less than 200 pounds per square inch and a roll width of not less than 8 feet.

2.2 Construction Requirements

A. Erosion Checks:
   1. Stone check dams shall be constructed in ditches and other locations as necessary.
   2. Riprap, baled hay, sand bags, erosion control mix, or siltation fence may be used in an arrangement to fit local conditions.

B. Berms:
   1. Barriers shall be constructed along the toe of embankments when necessary to prevent erosion, sedimentation.

C. Siltation Fences:
   1. Siltation fences shall consist of porous filter fabric with a wire mesh backing and shall be supported by posts as per manufacturer's recommendations. Fabric type shall be approved by the Engineer for its filtration properties.
   2. Erosion control mix may be used as a siltation berm as a substitute for silt fence. Grubbed wood from the site may be used to make the erosion control mix.

D. Silt Boom:
   1. Install from shore to shore, extend from above the water level to the river/lake bottom, and be bottom weighted to provide a secure bottom seal and hold the fabric to any uneven contour where the river/lake bottom rises to the shore.

PART 3 – EXECUTION

3.1 Installation

A. Erosion Checks:
   1. Erosion checks shall be constructed in ditches and at other locations designated on the Drawings and as required. The Engineer may instruct the Contractor to modify the arrangement of bales and bags to fit local conditions.
   2. Baled hay or sandbags, or both, may be used in other areas as necessary to inhibit soil erosion.
   3. Siltation fence located where needed.
   4. Install the silt boom prior to start up of work and maintain during the progress of the work;

B. Removing & Disposing:
   1. When no longer needed, material and devices for erosion control shall be removed or may be left in place and dispersed over the adjacent area, as approved by the Engineer.
   2. When removed, such devices may be reused in other locations provided they are in good condition and suitable to perform the erosion control for which they are intended.
   3. When dispersed over adjacent areas, the material shall be scattered to the extent that it causes no unsightly conditions nor creates future maintenance problems.
   4. Silt boom shall remain, as directed by the Owner, until suspended sedimentation has settled, and be completely removed when work is completed.

3.2 Maintenance

A. General:

All erosion control measures shall be cleaned and maintained as directed by the Engineer through project completion. Sediments trapped by the erosion control measures shall be removed and disposed of at an area designated by the Engineer after each significant rainfall.

Should areas during construction show signs of erosion, Engineer shall direct Contractor to take corrective measures to stabilize the area by means of the materials listed in paragraph 2.1 or approved equals.

END OF SECTION

SECTION 31 37 00

RIPRAP

PART 1 - GENERAL

1.1 Description

A. This work consists of furnishing all labor, equipment, and materials and performing all work necessary to place a protective covering of erosion-resistant material on the slopes of embankments, slopes of channels, or as directed by the ENGINEER. The work shall be done in accordance with these Specifications and in conformity with the lines and grades shown on the Drawings or established by the ENGINEER.

B. Types of riprap/material included in this specification:

1. Dumped Riprap: Dumped riprap consists of stone dumped in place on a prepared slope of geotextile backing to form a well-graded mass with a minimum of voids.

2. Placed Riprap: Riprap placed next to the ramp sides and end shall be placed with care to result in a uniform surface suitable for boat trailers with small rubber tires. It consists of stone placed on a prepared slope of geotextile backing to form a well-graded mass with a minimum of voids.

3. Geotextile Backing: A geotextile backing consists of a geotextile overlain by a layer of coarse aggregate placed on the bank before placing the riprap to prevent the bank material from passing through the riprap protection. Geotextile backing shall be used in lieu of a filter blanket where specifically called for on the plans or where approved by the ENGINEER.

PART 2 - PRODUCTS

2.1 Materials

A. Definition of the materials:

1. Dumped Riprap: Stone used for dumped riprap shall be hard, durable, angular in shape; resistant to weathering and to water action; free from overburden soil, shale and organic material; and shall meet the gradation requirements for the class specified. Neither breadth nor thickness of a single stone should be less than one-third its length. Rounded stone or boulders shall not be accepted. Shale and stone with shale seams are not acceptable.

2. Machine or Hand Placed Riprap: Machine or hand placed riprap shall be placed next to both sides of the launch ramp and at its end and where called for on the plans. It will result in a 24" wide lane to accommodate rigs which may stray beyond the ramp. Stone used for placed riprap shall be hard, durable, and angular in shape (blasted rock); resistant to weathering and to water action; free from overburden soil, shale and organic material; and shall meet the gradation requirements for the class specified. Neither breadth nor thickness of a single stone should be less than one-third its length. Rounded stone or boulders shall not be accepted.

3. Geotextile:

   a) Geotextile shall be Mirafi FW700 or approved equivalent.

   b) During all periods of shipment and storage, the fabric shall be maintained, wrapped in a heavy-duty protective covering to protect the fabric from direct sunlight, ultraviolet rays, temperatures greater than 140^0F, mud, dirt, dust, and debris.

   c) The vendor shall furnish certified test reports of material attesting that the fabric meets the requirements of this Specification when requested by the Owner or Engineer.

B. Gradation of Course Aggregate for Geotextile Backing:

Sieve Size	% Passing by Weight
2-1/2"	100
2"	85-100
1"	35-70
1/2"	10-30
No. 4	0-5

C. Gradation of Riprap Stone: (Heavy Riprap MaineDOT 703.28)

Minimum stone size (500 lbs.) with a minimum dimension of 15”, and at least 50% of the stones by volume shall have an average dimension greater than 24” (1,000 lbs.).

PART 3 - EXECUTION

3.1 Construction Details

A. Slopes to be protected by riprap shall be free of brush, trees, stumps, and other objectionable material and be dressed to a smooth surface. All soft or spongy material shall be removed to the depth shown on the Drawings or as directed by the ENGINEER and replaced with approved material. Filled areas will be compacted thoroughly. A toe trench as shown on the Drawings shall be dug and maintained until the riprap is placed.

1. Riprap

a. Stone for riprap shall be placed on the prepared slope or area in a manner which will produce a reasonably well-graded mass of stone with the minimum practicable percentage of voids. The entire mass of stone shall be placed in conformance with the lines, grades, and thicknesses shown on the Drawings. Riprap shall be placed to its full course thickness in one operation and in such a manner as to avoid displacing the underlying material. Placing of riprap in layers, or by dumping into chutes, or by similar methods likely to cause segregation will not be permitted.

b. The larger stones shall be well distributed and the entire mass of stone shall conform to the gradation specified.

c. It is the intent of these Specifications to produce a compact riprap protection in which all sizes of material are placed in their proper proportions. Hand placing or rearranging of individual stones by mechanical equipment may be required to the extent necessary to secure the results specified.

d. Unless otherwise authorized by the ENGINEER, the riprap protection shall be placed in conjunction with the construction of the embankment with only sufficient lag in construction of the riprap protection as may be necessary to allow for proper construction of the portion of the embankment protected and to prevent mixture of embankment and riprap. The riprap protection shall be maintained until accepted, and any material displaced by any cause shall be replaced at no additional cost to the OWNER.

e. Riprap stone shall not be dropped from a height greater than one foot onto the filter blanket.

2. Geotextile Backing:

   a. A geotextile shall be placed in the manner and at the locations shown in the Drawings or as directed by the ENGINEER. At the time of installation, fabric shall be rejected if it has defects, rips, holes, flaws, deterioration or damage incurred during manufacture, transportation or storage. The fabric shall be placed with the long dimension parallel to the centerline of the channel or pipe trench unless otherwise directed by the ENGINEER, and shall be laid smooth and free of tension, stress, folds, wrinkles, or creases. The strips shall be placed to provide a minimum width of 24 inches of overlap for each joint. Overlap joints and seams shall be measured as a single layer of cloth. Securing pins with washers shall be inserted through both strips of overlapped cloth.

   b. Securing pins for anchoring geotextile shall be 3/16 inch steel bars, pointed at one end and fabricated with a head to retain a steel washer having an outside diameter of not less than 1.5 inches. The length of the pin shall not be less than 12 inches.

   c. A layer of coarse aggregate shall be placed on the geotextile to the full specified thickness using methods which will not cause segregation of particle sizes. The surface of the finished layer shall be reasonably even and free from mounds or windrows.

END OF SECTION

DIVISION 32

SECTION 32 12 00

HOT MIX ASPHALT PAVING

PART 1 - GENERAL

1.1 Description

1. Work Included: Furnish all plant, labor, equipment and materials required to install bituminous concrete pavement courses, including sidewalks and driveways, as shown on the Drawings and as specified herein.

2. Related Work Specified Elsewhere (When Applicable): Excavation, Filling, and Grading (31 23 00), and Aggregate Surface, Base and Subbase Course Gravel (32 11 00).

1.2 Quality Assurance

1. Materials: Use only materials furnished by a bulk bituminous concrete producer regularly engaged in the production of hot mixed, hot laid bituminous concrete.

2. Mix Requirements, Method of Placement and Compaction: State of Maine, Department of Transportation Standard Specifications, March 2020, hereinafter called MaineDOT Standards, latest version of Section 401, Hot Mix Asphalt Pavement.

1.3 Submittals

1. A certificate of compliance shall be furnished to the Architect/Engineer that the materials supplied comply with the specification requirements.

2. Delivery slips shall be furnished with each load of mix delivered to the project. Information shall include:

    1. Vehicle identification

    2. Date

    3. Project

    4. Identification of material

    5. Gross, tare and net weights

    6. Signed by the bituminous concrete producer

    7. Stamped by a licensed public weighmaster

1.4 Job Conditions

1. Grade Control: The Contractor shall establish and maintain the required lines and grades, including crown and cross-slope, for each course during construction operations.

2. Trench areas shall receive temporary paving as the work progresses where trenches are in paved streets.

PART 2 - PRODUCTS

2.1 Materials

A. Hot Mix Asphalt Pavement:

1. Base Course - 19.0 mm

2. Wearing Course - 9.5 mm

3. Sidewalks, Drives, and Parking Areas - 9.5 mm

The following Special Provision, Section 403, applies:

Desc. of Course	Grad. Design	Item Number	Bit Cont. % of Mix	Total Thick	No. of Layers	Comp. Notes
Wearing	9.5 mm	403.210	N/A	see typicals	1	1,4
Base	9.5 mm	403.210	N/A	see typicals	1	1,4

COMPLEMENTARY NOTES

1. All work under this contract shall conform to the Standard Specification Revision of 2020 – Section 401-Hot Mix Asphalt Pavement; with the following revisions.

2. The design traffic level for mix placed shall be 0.3 to <3 million ESALS. The design, verification, Quality Control, and Acceptance tests for this mix will be performed at **65 gyrations.**

PART 3 - EXECUTION

3.1 Surface Preparation

A. Tack coats shall conform to Section 409 of the Maine DOT Standard Specifications.

B. Tack Coat: Apply to contact surfaces of previously constructed asphalt or Portland cement concrete and surfaces abutting or projecting into asphalt concrete pavement. Distribute at rate of approximately 0.025 gallons per square yard of surface.

3.2 Placing the Mix

A. General: Place asphalt concrete mixture on prepared surface. Minimum allowable temperature for placing is 225°F. Maximum shall be 325°F. Place in areas inaccessible to paving machine and small areas by hand. Place each course to required grade, cross-slope and compacted thickness.

B. Temperature Requirements: Hot mix asphalt pavement used for curb, driveways, parking areas, sidewalks, islands, and other incidentals is not subject to seasonal limitations, except that conditions shall be satisfactory for proper handling and finishing of the mixture. The Contractor shall not place hot mix asphalt pavement on a wet or frozen surface and the air temperature shall be 40°F or higher, unless approved by the Owner.

C. Protection: After final rolling, do not permit vehicular traffic on pavement until it has cooled and hardened to the extent that the pavement will not be damaged.

END OF SECTION

SECTION 32 16 13

PRECAST CONCRETE CURB

PART 1 - GENERAL

1.1 Description of Work

Work included: Furnish all material, labor and equipment to install concrete curbs as indicated here and on the drawings.

1.2 Quality Assurance

A. Acceptable manufacturers:

1. Gagne and Son Concrete Products
2. Precast Concrete Products of Maine
3. Approved Equal

B. Contractor shall inspect and ensure that each curb is in good condition with all surfaces clean and neat with no honeycombing, spalling or cracks

C. If the Owner/Engineer rejects any planks at the construction site because they do not meet this standard of quality, it shall be the Contractors responsibility to remove and properly dispose of the rejected materials and to purchase and deliver acceptable curb to the job site at no additional cost to the Owner.

D. Any damage caused to existing or new curb as a result of Contractor activity shall be repaired, to the satisfaction of the Owner, by the Contractor, at no additional cost to the Owner.

1.3 Submittals

A. Submit shop drawings and manufacturer's literature in conformance to the General Conditions section of the Construction Contract.

PART 2 - PRODUCTS

2.1 Precast Concrete Curb

B. Six-foot precast concrete curb weighs approximately 730 lbs., and measures 7" by 1'- 6" in cross section.
C. Concrete: Concrete shall have a minimum compression strength of 4,000 psi at 28 days.
D. Reinforcement: #4, Grade 60 (ASTM A615)

PART 3 - EXECUTION

3.1 Subgrade Preparation

Where the subgrade material is found to be of poor supporting value or of rock, the foundation shall be conditioned by removing the existing subgrade material by undercutting to the depth as directed by the Engineer and backfilling with either a suitable local material secured from unclassified excavation or borrow excavation at the nearest accessible location, or foundation conditioning material consisting of gravel base or subbase material, as approved by the Engineer. The selection of the type of backfill material to be used for subgrade conditioning will be made by the Engineer. Mechanical compaction below water is not required.

3.2 Installation

A. Six inches of 3/4" crushed stone base shall be placed to ensure the entire length of curb is fully supported.

B. Crushed stone base shall conform to Section 31 23 00 of this specification.

C. The profile of new planks shall follow the profile of the grade shown on the drawings.

D. The curb shall be set so that the front top arris line is in close conformity to the line and grade required as shown on the plans or directed by the Engineer.

E. The required spacing between curb shall be a maximum of 1/2 inch.

END OF SECTION

DIVISION 35

35 43 38 Precast Concrete Launch Planks

SECTION 35 43 38

PRECAST CONCRETE LAUNCH PLANKS

PART 1 - GENERAL

1.1 Related Documents

Drawings and general provisions of the Contract, including General and Supplemental Conditions and Section 01 11 00 of these Specifications apply to work of this section.

1.2 Description of Work

Work under this section includes:

A. Loading and transporting precast concrete planks and associated hardware from the Bureau of Parks and Lands Boating Facilities Division 1009 Brunswick Road in Richmond, Maine to the Meddybemps Lake Boating Facility job site in Meddybemps, Maine.

B. Installation of precast concrete planks as indicated here and on the drawings.

C. Furnishing and installing precast concrete curbs as indicated here and on the drawings.

1.3 Quality Assurance

A. Contractor shall inspect each precast concrete plank at the point of pickup, and shall ensure that each plank is in good condition with all hardware intact and all surfaces and grooves clean and neat with no honeycombing, spalling or cracks.

B. If the Owner/Engineer rejects any planks at the construction site because they do not meet this standard of quality, it shall be the Contractor's responsibility to remove and properly dispose of the rejected materials and to purchase and deliver acceptable planks to the job site at no additional cost to the Owner.

C. Any damage caused to existing or new planks as a result of Contractor activity shall be repaired, to the satisfaction of the Owner, by the Contractor, at no additional cost to the Owner.

1.4 **Job Conditions**

A. Contractor shall furnish suitable equipment with operator to pick-up and deliver precast concrete planks and hardware to the job site. Contractor shall be responsible for moving planks onto his vehicle and for offloading the materials at the job site.

B. Contractor shall give at least two working days advance notice for the pick-up of materials. Call Bill Cunningham, Boating Facilities Maintenance Supervisor at the Richmond office (207) 582-7845 or cell (207) 462-2725 to arrange pick-up time for planks and hardware.

PART 2 - PRODUCTS

2.1 **Precast Concrete Planks**

A. The concrete planks shall comply with ACI 318-16.

B. Average strength of concrete shall be 5,000 psi at 28 days.

C. Planks shall be supplied by the Owner. The standard eight-foot precast concrete planks measure 1′-6″ wide x 0′-6″ thick x 8′-0″ long and weigh approximately 920 lbs. The standard ten-foot precast concrete planks measure 1′-6″ wide x 0′-6″ thick x 10′-0″ long and weigh approximately 1,150 lbs.

Planks	
10′ Precast Concrete Planks	**64**

2.2 **Fittings**

Each pair of connecting planks shall include hardware provided by owner.

PART 3 - EXECUTION

3.1 **Subgrade Preparation**

Where the subgrade material is found to be of poor supporting value or of rock, the foundation shall be conditioned by removing the existing subgrade material by undercutting to the depth as directed by the Engineer and backfilling with either a suitable local material secured from unclassified excavation or borrow excavation at the nearest accessible location, or foundation conditioning material consisting of gravel base or subbase material, as approved by the Engineer. The selection of the type of backfill material to be used for subgrade conditioning will be made by the Engineer. Mechanical compaction below water is not required.

3.2 **Subbase And Base Installation**

Subbase and base will comply with the plans and Section 31 23 00 of this specification.

3.3 **Installation Of Precast Concrete Planks**

A. Install curbing prior to planks.

B. The profile of new planks shall follow the profile of the grade shown on the drawings.

C. Connect each pair of longitudinally abutting planks with two ½" x 2" hexagonal head galvanized machine bolts with hexagonal head nuts. Stagger the alignment of the plank connection bars so that a relatively straight alignment of the ramp is achieved. Make the laterally abutting planks butt to each other such that there is not more than 1 inch of clearance between ends. Vertical alignment shall be within 1 inch of established grade. There shall be no more than 1 inch difference in top elevation of abutting planks.

END OF SECTION

Appendix A

Department of Environmental Protection Permit-by-Rule

06-096 DEPARTMENT OF ENVIRONMENTAL PROTECTION

Chapter 305: NATURAL RESOURCES PROTECTION ACT - PERMIT BY RULE

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15. Public boat ramps

A. Applicability

(1) This section applies to the construction of a new, or the replacement of an existing, public boat ramp or carry-in launch area, including associated parking and accessways, in or adjacent to a protected natural resource by a public natural resource agency, MaineDOT, municipality, or owners of a federally licensed hydropower project within the resource affected by the hydropower project. This section does not apply if a portion of the ramp or related facilities is located in, on or over emergent marsh vegetation or intertidal mudflat.

(2) This section applies to the construction of up to 2 launch lanes at a facility provided no more than 2 lanes exist or will exist at the completion of the activity.

(3) This section does not apply to a new boat ramp on a lake infested with aquatic invasive plants, as defined in 38 M.R.S. Section 410-N. The DEP identifies and maintains a list of these infested lakes.

NOTE: A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook between October 2 and July 14; or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon including all aquatic habitats in the watersheds of the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration: St. Croix, Boyden, Dennys, Hobart Stream, Aroostook, East Machias, Machias, Pleasant, Narraguagus, Tunk Stream, Patten Stream, Orland, Penobscot, Passagassawaukeag, Union, Ducktrap, Sheepscot, Kennebec, Androscoggin, Presumpscot, and Saco River.

A copy of the permit by rule notification form and original photographs, not photocopies, should be submitted to the Corps of Engineers for these activities (U.S. Army Corps of Engineers, 442 Civic Center Drive, Suite 350, Augusta, ME 04330. Tel. (207) 623-8367).

B. Submissions

(1) The applicant is required to submit photographs of the area in which this activity is proposed.

(2) Photographs showing the finished activity must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labeled with the applicant's name and the municipality in which the activity took place.

(3) If the project results in a new or expanded access drive or parking area, the project design plan, erosion control plan and a request for review for an activity on great ponds classified as GPA under 38 M.R.S. Section 465-A must be submitted to the DEP's Division of Watershed Management (DWM) prior to submitting the notification form to the DEP. A certification from DWM must be obtained and must be included with the notification form, along with final project plans and the erosion control plan, when it is submitted to the DEP.

(4) If the proposed activity involves work below the mean low water line of a waterbody, the applicant shall submit a copy of the project design plan along with a copy of the notification form to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, Submerged Lands Program (State House Station #22 Augusta, Maine 04333) at the time the notification form is submitted to the DEP. Work on the activity may not begin until a lease or easement is obtained or the Bureau of Parks and Lands has provided notification that one is not necessary.

NOTE: Processing of a request for a lease or easement may require several weeks of review by the Bureau of Public Lands.

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(5) If the proposed activity is located within a coastal wetland area, the applicant must submit, along with the notification form, a letter from both the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that describes times of the year in which the construction of the boat ramp may occur.

(6) If the proposed activity is located within a freshwater wetland, great pond, river, stream or brook, the applicant must submit, along with the notification form, a letter from the Department of Inland Fisheries and Wildlife that describes times of the year in which the construction of the boat ramp may occur.

C. Standards

(1) The erosion control plan must be followed. The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) For any soil disturbance that is limited to the upland and does not extend into the protected natural resource, sediment controls such as trenched and anchored silt fence, an erosion control mix berm at least 1 foot tall, staked straw bales, anchored erosion control socks at least 12 inches in diameter, or a combination of these methods must be properly installed between the area of soil disturbance and the resource before the activity begins and maintained until the disturbed area is permanently stabilized;

(b) Any soil disturbance within a freshwater wetland, great pond, river, stream, or brook must be done during periods of low water to minimize impacts (in-stream work window, lake draw-down, etc.) and must be temporarily or permanently stabilized daily. The placement of sediment barriers within the water would be ineffective and could cause unnecessary damage to the resource;

(c) Any soil disturbance within a coastal wetland must be done at or near low tide and must be temporarily or permanently stabilized before being submerged. The placement of sediment

barriers within the tidal zone would be ineffective and could cause unnecessary damage to the resource;

(d) Surface flows from above the disturbed area must be diverted around the disturbed area until final stabilization and any diverted runoff must be managed to prevent erosion; examples of diversions include but are not limited to erosion control mix berms or socks, sand bags, and shallow excavated trenches;

(e) Within 1 calendar day following the completion of any soil disturbance, and prior to any storm event, temporary or permanent stabilization must be implemented or spread on any exposed soils;

(f) All disturbed soils must be permanently stabilized; and

(g) Within 30 days of final stabilization of the site, any silt fence, straw bales, or temporary erosion or sediment controls containing plastic or other non-biodegradable materials must be removed and erosion control mulch berms must be raked to a depth of no more than 6 inches.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control BMPs, dated October 2016. This handbook and other references are available online at https://www.maine.gov/dep/land/erosion/escbmps/ or by contactingthe DEP.

(2) A hard-surfaced launch must be used where boats will be launched from trailers, and must meet the following specifications:

(a) The underwater portions of the ramp, at the time of construction, must be constructed of reinforced precast concrete planks, panels or slabs;

(b) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15%; the portion of the ramp used by the trailer only may not have a slope that exceeds 20%;

(c) The width of the hard surfaced launch lane(s) may not exceed 20 feet as measured parallel to shore;

(d) The upper most 6 inches of the base must consist of crushed rock or crushed or screened gravel having 5% or less passing a 200 mesh sieve; and

(e) Fill slopes at or below the normal high water line must be protected with riprap. Riprap installation must meet the standards for riprap in PBR Section 8, "Shoreline stabilization".

(3) An additional area of up to 8 feet wide as measured parallel to shore may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.

(4) A carry-in launch area for small boats must:

(a) Consist of gravel, rock, sand, vegetation, or other erosion resistant materials;

(b) Have a grade not exceeding 18%; and

(c) Be limited, below the low water line, to constructing a path up to 6 feet wide, measured parallel to shore, consisting of cobble, rock or concrete planks, to access deeper water to float watercraft.

(5) A vegetated buffer zone at least 25 feet in width must be maintained between any new or expanded parking area and the waterbody.

(6) A parking area or access road may not be located in a protected natural resource, except that an access roadway may cross a stream if the requirements of PBR Section 10 "Stream crossings" are met.

(7) Any new or expanded parking area or roadway must divert stormwater runoff away from the ramp to an area where it may infiltrate into the ground before reaching the waterbody.

(8) Machinery may operate below the water line only when necessary to excavate or place material below the existing water level and must travel and operate on temporary mats or portions of the ramp that have been constructed.

(9) Timing of the activity must conform to the recommendations of the Department of Inland Fisheries and Wildlife or the Department of Marine Resources, as appropriate, as described in letters submitted along with the notification form.

(10) Any debris generated during the work must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A Section 1301 *et seq.*

(11) Uncured concrete may not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing in the water or, where necessary, must be placed in forms and cured at least one week before the forms are removed. No washing of tools, forms, etc. may occur in the waterbody or wetland.

(1) (12) The use of untreated lumber is preferred. Lumber pressure-treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S. §1682, and provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol shall not be used where it will contact water. Sawdust or other lumber waste materials may not be stored or placed in such a manner that pollutants may be discharged into the resource.

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) **Emergent marsh vegetation**. Plants that are erect, rooted and herbaceous, and that may be temporarily to permanently flooded at the base, but do not tolerate prolonged inundation of the entire plant; (e.g. cattails, saltmarsh cordgrass).

(2) **Public natural resource agency**. The Maine Department of Inland Fisheries and Wildlife, the Maine Department of Marine Resources, the DEP, the Maine Department of Agriculture, Conservation and Forestry, the United States Fish and Wildlife Service, the United States Forest Service, the United States Natural Resources Conservation Service and County Soil and Water Conservation Districts.

(3) **Project design plan**. A detailed plan of the proposed activity indicating all dimensions (width, height, length) relative to the mean low water mark, and including any appurtenant structures that may be seasonal in nature.

STATUTORY AUTHORITY:
38 M.R.S., Sections 341-D(1), 344(7), 480-H

EFFECTIVE DATE:
February 15, 1989

AMENDED:
March 23, 1991
April 11, 1992
May 19, 1992
May 1, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 4, 1996

NON-SUBSTANTIVE CORRECTIONS:
May 12, 1997 - punctuation, formatting, comparison with May 14, 1995 amendment
October 29, 1998 - APA Office Note added to first Section 5

AMENDED:
June 1, 1999
July 16, 1999 (EMERGENCY, expires October 14, 1999) - Section 10(A)
October 15, 1999 - language reverted to June 1, 1999 version
February 14, 2000 - Section 10

NON-SUBSTANTIVE CORRECTIONS:
November 23, 2000 - removed erroneous April 21, 1995 amendment date

AMENDED:
September 1, 2002

NON-SUBSTANTIVE CORRECTIONS:
September 5, 2002 - title of Section 2 only

AMENDED:
May 25, 2005 – filing 2005-174
December 5, 2006 – filing 2006-496
February 25, 2008 – Section 20 only, filing 2008-88
July 15, 2009 – filing 2009-339
July 30, 2011 – Section 16 only, filing 2011-211 *(Final adoption, major substantive)*
June 8, 2012 – filing 2012-146 *(Final adoption, major substantive)*
December 27, 2022 – Section 16-A only, filing 2022-256
December 9, 2023 - Section 16 only, filing 2023-231 *(Final adoption, major substantive)*
June 17, 2025 – filing 2025-129

Appendix B

U.S. Army Corps of Engineers Permit

General Permit No.: NAE-2025-00485
Applicant: General Public, State of Maine

Effective Date: November 10, 2025
Expiration Date: October 31, 2030

Department of the Army
Regional General Permits for the State of Maine

The New England District, U.S. Army Corps of Engineers announces the thirty-seven (37) state-wide Department of Army Regional General Permits known as the Maine Regional General Permits (ME RGPs) with a modified Water Quality Certification (WQC) and Coastal Zone Management (CZM) consistency determination. This ME RGP document reflects updates resulting from a subsequent modification of the October 10, 2025 Maine general WQC and CZM consistency determination.

The ME RGPs are issued for activities subject to Corps jurisdiction in waters of the U.S., including wetlands; and navigable waters within the State of Maine and adjacent ocean waters to the seaward limit of the outer continental shelf. The Maine RGPs (hereafter referred to as the ME RGP or RGP) are issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)].

RGPs numbered “1-60” were developed to closely match the current 2021 Nationwide Permits (NWPs) and the upcoming 2026 NWPs. The next NWPs are proposed to be reissued in March 2026 and are proposed to be used in New England District (NAE), including the Maine Section. To ensure General Permit coverage, between October (expiration of existing Maine Regional General Permits NAE-2019-02771) to March (when the NWPs will be issued), the below RGPs will be used. Each RGP has been numbered to coincide with the current NWPs for ease of transition. Please note, once the 2026 NWPs are issued, New England District may phase in some or all the NWPs. The RGPs that have letters (A-C) will likely be proposed as New England District RGPs (post March 2026) as these activities are not covered under any proposed NWPs. If the new NWPs and/ or RGPs are proposed to be used in New England District, the NWPs will be public noticed in accordance with 33 CFR 330.5.

Tammy R. Turley — November 10, 2025

Tammy R. Turley — Date
Chief, Regulatory Division
New England District
U.S. Army Corps of Engineers

SECTION I. STATUTORY AUTHORITIES AND REGULATED ACTIVITIES

1. Federal Authorities

   a. **Section 10 of the Rivers and Harbors Act of 1899** (see 33 CFR Part 322). The Corps regulates any *structure* in, over, or under any *navigable waters of the United States* (as defined in 33 CFR 329), and *work* such as 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.

   b. **Section 404 of the Clean Water Act** (see 33 CFR Part 323). The Corps regulates the discharge of *dredged material* or *fill material* and certain discharges associated with excavation into *waters of the United States* (as defined in 33 CFR 328), including wetlands. Exemptions of Section 404 can be found at 33 CFR Part 323.4.

2. State Approvals

   Applicants are responsible for applying for and obtaining any required state or local government agency approvals, such as those required by Maine Department of Environmental Protection, Maine Land Use Planning Commission, and Maine Department of Marine Resources; as well as those required by the City, Town, or County the project is located within. In many cases activities requiring Corps authorization will also require approval from these government agencies. However, Federal and state jurisdiction as well as review criteria will differ in some cases. State and Local permits may be required for specific projects regardless of Corps jurisdiction.

   When state or local approvals or statutorily required reviews are also required, those approvals should be obtained prior to commencing work under Corps jurisdiction. Refer to the document titled "*Agency & Partners Contact Directory"*, which can be found on the Corps website at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

SECTION II. RGP PROCEDURES

To qualify under these RGPs, the design, construction, maintenance, and use associated with each proposed activity shall meet the terms and eligibility criteria listed in Section III of the RGPs and all applicable general conditions (GCs) in Section IV. For activities authorized by RGPs which do not require submission of a pre-construction notification, (i.e. non-notifying) prior to commencement of the activity, the proponent (i.e., the person and/or the entity performing the work) is responsible for ensuring the activity meets the terms of the applicable RGP, any applicable GCs, and applicable State Water Quality Certification (WQC) and Coastal Zone Management (CZM) Act consistency conditions found on Corps website at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. Below are the general conditions for the WQC and CZM. WQC and CZM specific conditions are within the RGP in Section III. Applicants should first review the RGPs to determine if a project is eligible for verification under one or more of the RGPs within this document. A Pre-Construction Notification (PCN) is required if a waiver is required by any RGP. Activities that do not meet criteria of these RGPs will require an Individual Permit (IP). Refer to the document titled *"Local Procedures For Submission of a Complete PCN or Application"* for guidance on the permitting process, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Maine Department of Environmental Protection (MEDEP) & Land Use Planning Commission (LUPC) issued WQC with conditions and the Maine Coastal Program (MCP) concurred to the CZM with conditions for projects located within the boundaries of the State of Maine for the following GPs: 1, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 20, 27, 29, 33, 38, 39, 41, 42, 43, 46, 48, 51, 52 ,53, 55, 54, 57, 58, 60, A, B & C. WQC was issued and CZM concurrence was given for the above listed GPs so long as the project proponent follows the below general conditions:

1. Projects that would result in any direct, permanent salt marsh (tidal wetlands) loss must be reviewed individually for WQC and CZM unless mitigation is required.
2. When operating equipment or otherwise undertaking construction activities in aquatic resources, the project proponent shall:
    - Include in the project plan/design drawings the locations of:
        - the project site with all waters, including wetlands, clearly demarcated;
        - staging areas;
        - construction access points; and
        - disturbance limits.
    - Clean all equipment prior to the equipment arriving on the project site.
    - Have containment booms and/or absorbent material available onsite prior to the commencement of work. In the case of spills, the project proponent shall immediately employ containment booms and/or absorbent material to prevent discharges from reaching waters of the United States.
    - Prior to entering any waters of the United States, inspect all equipment for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. If the project proponent detects a leak from any equipment, they shall immediately remove the equipment from waters of the U.S.; and within 24 hours of detection of a leak, the project proponent shall repair the equipment in a staging area or move it offsite.
    - Clean all contaminated areas within 8 hours of spill detection and remove contaminated soil from the site within 24 hours or contain it in enclosed containers until it is removed from the site.
3. Project proponents must identify whether a proposed project would occur within an S1 or S2 natural community identified by the Maine Natural Areas Program (MNAP) and coordinate with MNAP to address any potential concerns and discuss mitigation as appropriate. Project proponents can use MNAP online resources to learn more about how each natural community is characterized here: https://www.maine.gov/dacf/mnap/features/commsheets.htm.Project proponents may also contact MNAP directly for questions and coordination here: maine.nap@maine.gov.
4. Project proponents must identify whether a proposed project would occur within an Essential Habitat, as listed in 09-137 C.M.R. ch. 8, or Significant Wildlife Habitat, as defined in 38 M.R.S. § 480-B(10), and coordinate with IFW to address any potential concerns and discuss mitigation as appropriate. Project proponents may contact DIFW directly for questions and coordination here: IFWEnvironmentalReview@maine.gov.

Environmental Protection Agency (EPA) issued WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park for the following GPs: 3, 7, 12, 13, 14, 15, 18, 33, 38, 39, 41, 51, 52, 54, 57, 58, 60, A, B, and C. WQC was issued for the above listed GPs so long as the project proponent follows the below general conditions:

1. Prior to construction, the project proponent shall develop a plan that:
    - Includes time stamped photo-documentation of the baseline conditions (*i.e.*, 50 feet upstream of the project area, within the project area, and 100 feet downstream of the project area).
    - Identifies on a site map:
        - Project site with all waters of the U.S. demarcated. Identify all locations where the project will cross jurisdictional waterbodies and identify the ordinary high-water mark and/or wetland boundaries; the planned work area where wetlands/aquatic resources will be removed, disturbed, and/or protected; buffer zones; and areas to be restored/reclaimed, as well as site access points and other approved work areas. Staging areas and stockpiling of materials and equipment, including locations for containment booms and/or absorbent materials, and/or hazardous materials. Stockpiles (*e.g.*, sediment, soil, or other construction materials) shall be stored at least 50 feet from where it may enter waters of the U.S.
        - Construction access points.
        - Disturbance limits.
        - Locations where site dredging and placement of dredged material activities will occur.
        - Locations where hazardous materials are stored. Identify where containment booms and/or absorbent materials are located for corrective action if needed. Hazardous materials shall be stored in leak-proof containers with appropriate secondary containment measures (*e.g.*, spill berms, dikes, spill containment pallets, absorbent materials). Any silt/sediment fencing.
        - Photo-reference sites. The project proponent shall indicate the directional view and location where photos were taken on the site map.
    - Includes a description of how the site will be restored to pre-construction conditions, including stream hydrology and stability/or aquatic resource composition and diversity of native species to be used. Non-native and invasive species shall not be used for restoration activities.
    - Includes the following as applicable:
        - <u>Cofferdams, temporary berms, pilings, and/or dikes:</u> Describe installation and maintenance practices for any cofferdams, temporary berms, pilings, and/or dikes.
        - <u>Dredging:</u> Describe how contaminated materials will be managed (*e.g.*, sediment testing data and information to identify whether sediments are clean or contaminated), if included in the project dredged area. Describe methods for minimizing dredging impacts (*i.e.*, sedimentation resuspension) in the water column.

  - Erosion control: Identify the types and locations of sediment and erosion control features that shall be used onsite, including sediment control fences, haybales, heavy mud mats, and/or other structures. Biodegradable blankets and/or loose-weave mesh shall be used for erosion control matting. Dewatering: Describe methods for dewatering, including the equipment that would be used to conduct the dewatering activities. Identify the locations and timing, including length of time the area is to be dewatered. Explain removal method of the temporary structures and/or fill and what measures will be taken to minimize downstream turbidity and adaptive management measures that will be taken and employed to prevent the draining of waters of U.S., including wetlands.
  - Ditching: Explain trenching and material placement techniques and stabilization methods to be employed, as well as timing. In wetlands, the top 6 to 12 inches of the trench shall be backfilled with topsoil from the trench, unless other techniques are approved. Include activity timing needs for ditching and stabilization.
- Submit the plan to EPA Region 1 at R1CWA401@epa.gov.

During construction, the project proponent shall:

- Visually inspect construction activities daily.
- Prevent sediment, debris, silt, sand, cement, concrete, oil or petroleum, organic materials, or other construction debris or wastes from entering waters of the U.S.
- Maintain documentation onsite that all equipment was cleaned of dirt, mud and other materials prior to arriving on the project site.
- Inspect all equipment daily and prior to entering any waters of the U.S. for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. If the project proponent detects a leak from any equipment, they shall immediately remove the equipment from waters of the U.S.; and within 24 hours of detection of a leak, repair the equipment in a staging area or move it offsite.
- Limit vegetation clearing and disturbance to waters.
- Limit restoration of the channel bed to pre-existing contours and conditions.
- Photo-document any failures or increased turbidity due to construction activities. Within 24 hours of observing a failure or marked increase in turbidity associated with construction, the project proponent shall remedy and implement any additional adaptive management measures to stabilize the activity and prevent further unauthorized discharges into waters of the U.S. The project proponent shall photo-document the failure (*i.e.*, 50 feet upstream of failure, at the incident site, and at least 100 feet downstream of the failure) and the adaptive management measures taken immediately following implementation. The project proponent shall take photos at the same location and direction as the photos in the plan.
  - Within 48 hours of observing any failure, the project proponent shall provide EPA Region 1 with the above mentioned photo-documentation, and descriptions of all observed failures and remedies.
  - Within three weeks of observing a failure, the project proponent shall provide EPA Region 1 with a description of the impacts and effectiveness of the adaptive management measures.

- Carry out as applicable:
    - Erosion control: Inspect sediment and erosion control measures daily during project implementation and within 12 hours of precipitation events. After construction is complete, stabilization purposes.
    - Dewatering: Assess all dewatering measures within 24 hours after a storm event.

Post construction, the project proponent shall as applicable:

- Submit a copy of the as-builts and a post dredged and disposal report within 45 days of each dredging or disposal event to EPA Region 1 at R1CWA401@epa.gov. The project proponent shall include the following items in the post-dredged and disposal report:
    - Dredging and disposal dates.
    - Updated site map displaying the disposal location(s).
    - Dredging and disposal volumes.
    - Water quality monitoring data.
    - Post-dredged bathymetry.
    - Updated site maps displaying any new ditches, spoil piles, widths and depths.

SECTION III. MAINE REGIONAL GENERAL PERMITS

Applicants shall review all Sections of the RGPs prior to utilizing them or submitting a pre-construction notification to the Corps to confirm that the activity, as proposed, complies with all terms and conditions of the 2025 ME RGPs.

Regional General Permits

1. Aids to Navigation
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
11. Temporary Recreational Structures
12. Oil or Natural Gas Pipeline Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
27. Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities
29. Residential Developments
33. Temporary Construction, Access, and Dewatering
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
41. Reshaping Existing Drainage and Irrigation Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
48. Commercial Shellfish Mariculture Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
53. Removal of Low-Head Dams
54. Living Shorelines
55. Seaweed Mariculture Activities
57. Electric Utility Line and Telecommunications Activities
58. Utility Line Activities for Water and Other Substances
60. Activities to Improve Passage of Fish and Other Aquatic Organisms

A. Boat Ramps

B. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Relocation, Rock & Debris Removal, and Recreational Beach Grading & Raking

C. Structures and Moorings in Navigable Waters of The U.S.

RGP 1. Aids to Navigation (Authority: Section 10):

The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 3. Maintenance (Authorities: Sections 10 and 404):

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This RGP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This RGP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This RGP also authorizes 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, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This RGP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This RGP does not authorize maintenance dredging for the primary purpose of navigation. This RGP does not authorize beach restoration. This RGP does not authorize new stream channelization or stream relocation projects.

Pre-construction notification required if:

Activities authorized by paragraph (b) of this RGP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.

Note 1: This RGP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

Note 2: Activities conducted under RGPs involving the replacement or installation of new tidal crossings should comply with the State of Maine's CoastWise Approach. See state website for additional information: https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf

Note 3: A joint pre-application consultation with the Corps and State Resource Agencies is advised for all activities that involve new or replacement tidal crossings.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities (Authorities: Sections 10 and 404):

Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This RGP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 5. Scientific Measurement Devices (Authorities: Sections 10 and 404):

Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge of dredged or fill material is limited to 25 cubic yards. 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.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 6. Survey Activities (Authorities: Sections 10 and 404):

Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this RGP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This RGP authorizes the construction of temporary pads, provided the discharge of dredged or fill material does not exceed 1/10-acre in waters of the U.S. Discharges of dredged or fill material and structures associated with the recovery of historic resources are not authorized by this RGP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this RGP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this RGP. The RGP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under Section 402 of the Clean Water Act.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State’s territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 7. Outfall Structures and Associated Intake Structures (Authorities: Sections 10 and 404):

Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this RGP unless they are directly associated with an authorized outfall structure.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: The permittee shall provide a copy of their Section 402 Clean Water Act authorization or exemption as applicable.

Note 2: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- Stormwater outfalls must utilize velocity reducing structures and/or rock aprons to prevent erosion. A vegetative filter strip with a length of at least 25 feet must be established and maintained between the outfall structure and the resource.
- Maintenance clearing of deposited debris and sediments from the outfall area is allowed provided the cleared materials are removed from the resource. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or waterbody. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

RGP-specific condition:

- Permitted outfalls under RGP 7 shall utilize velocity reducing structures and/or rock aprons to prevent erosion.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 11. Temporary Recreational Structures (Authority: Section 10):

Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually.

Note: Coastal structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above MHW and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 12. Oil or Natural Gas Pipeline Activities (Authorities: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Oil or natural gas pipelines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines. There must be no change in pre-construction contours of waters of the United States. An "oil or natural gas pipeline" is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including products derived from oil or natural gas, such as gasoline, jet fuel, diesel fuel. heating oil, petrochemical feedstocks, waxes, lubricating oils, and asphalt.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Oil or natural gas pipeline substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities (e.g., oil or natural gas or gaseous fuel custody transfer stations, boosting stations, compression stations, metering stations, pressure regulating stations) associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground oil or natural gas pipelines: This RGP authorizes the construction or maintenance of foundations for above-ground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This RGP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.

This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material may require a section 10 permit.
This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required;

(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States; or

(3) The proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-

construction notification must include the locations and proposed impacts (in acres or other appropriate unit of measure) for all crossings of waters of the United States that require DA authorization, including those crossings authorized by an RGP would not otherwise require pre-construction notification (See general condition 32.).

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Oil or natural gas pipeline activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see RGP 15).

Note 5: This RGP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For RGP 12 activities that require pre-construction notification (PCN), the PCN must include any other RGP(s) or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a PCN, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 8: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 13. Bank Stabilization (Authorities: Sections 10 and 404):

Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);

(c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(e) 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 United States;

(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);

(g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;

(h) The activity is not a stream channelization activity; and

(i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events.

This RGP authorizes discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States to incorporate nature-based solutions into new and existing bank stabilization activities to provide habitat and other ecosystem functions and services and to reduce adverse effects of bank stabilization activities on the aquatic environment. Examples of nature-based solutions for bank stabilization activities include the use of construction materials for seawalls and bulkheads

that have textured surfaces, crevices, shelves, benches, and pits that support attachment and growth of benthic organisms; the construction of rock pools next to the bank stabilization activity; the construction of small pocket beaches next to the bank stabilization activity; the use of various sizes of rock for revetments to provide different sizes of spaces between rocks for habitat for various species of organisms; the placement of rock clusters next to a seawall or bulkhead; the placement of large wood next to seawalls, bulkheads, and revetments; and the placement of bags of mollusks or the placement of small reef structures to provide habitat for mollusks and other sessile aquatic organisms next to a seawall, bulkhead, or revetment.

This RGP authorizes those maintenance and repair activities if they require authorization. This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) Involves discharges of dredged or fill material into special aquatic sites;

(2) Is in excess of 500 feet in length; or

(3) Will involve the discharge of dredged or fill material of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line (See general condition 32.).

Note 1: In coastal waters and the Great Lakes, living shorelines may be an appropriate option for bank stabilization, and may be authorized by RGP 54.

Note 2: Under 33 CFR 320.4(g)(2), a landowner has the general right to protect his or her property from erosion, and the district engineer can provide general guidance to the landowner regarding possible alternative methods of protecting his or her property. Permittees are encouraged to use soft bank stabilization approaches (e.g., bioengineering, vegetative stabilization) at sites where those methods are likely to be effective in managing erosion, such as sites where shorelines and banks are subject to moderate to low erosive forces. However, hard bank stabilization activities (e.g., seawalls, bulkheads, revetments, riprap) may be necessary at sites where shorelines and banks are subject to strong erosive forces. An appropriate and effective approach to managing shoreline or bank erosion at a specific site requires consideration of a variety of factors, including but not limited to: bank

height; bank condition; the energy of tides, waves, currents, or other water flows that the bank is exposed to; fetch; nearshore water depths; the potential for storm surges; sediment or substrate type; tidal range in waters subject to the ebb and flow of tides; shoreline configuration and orientation; the width of the waterway; and whether there is infrastructure in the vicinity of the proposed bank stabilization activity that needs to be protected and the degree of protection needed.

Note 3: Bank stabilization below the high tide line or ordinary high water mark shall be no steeper than a 2:1 width to height ratio where applicable. The permittee should submit photographs documenting the erosion that has occurred with their pre-construction notification.

Note 4: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- For projects on rivers, streams, brooks, and lakes, WQC is issued and CZM concurrence is given up to 100 linear feet of bank stabilization. Projects greater than 100 linear feet require individual WQC and CZM review.
- For projects on tidal waters, WQC is issued and CZM concurrence is given up to 250 linear feet of bank stabilization. Projects greater than 250 linear feet require individual WQC and CZM review.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 14. Linear Transportation Projects (Authority: Sections 10 and 404):

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, 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.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This RGP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Pre-construction notification required if:

(1) The loss of waters of the United States exceeds 1/10-acre; or

(2) There is a discharge of dredged or fill material in a special aquatic site, including wetlands.

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For RGP 14 activities that require pre-construction notification, the PCN must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be

used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 4: A joint pre-application consultation with the Corps and State Resource Agencies is strongly advised for all activities that involve new or replacement tidal crossings.

Note 5: Activities conducted under GPs involving the replacement or installation of new tidal crossings should comply with the State of Maine's CoastWise Approach. See state website for additional information: https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- For projects in non-tidal waters, WQC and CZM are only authorized for the discharge of dredged or fill material up to 1/2-acre loss of waters of the U.S. cumulatively across hydrologically connected wetlands or waterbodies.
- For projects in tidal waters, the discharge of dredged or fill material cannot exceed 1/3-acre loss of waters of the United States cumulatively across hydrologically connected wetlands or waterbodies.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 15. U.S. Coast Guard Approved Bridges (Authority: Section 404):

Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under the General Bridge Act of 1946, Section 9 of the Rivers and Harbors Act of 1899, or other applicable laws. Causeways and approach fills are not included in this RGP and will require a separate Clean Water Act Section 404 permit.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 17. Hydropower Projects (Authority: Section 404):

Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 10,000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- WQC and CZM are only authorized for hydropower projects that would not be constructed on outstanding river segments defined under 12 M.R.S. § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 18. Minor Discharges (Authority: Sections 10 and 404):

Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:
(a) The quantity of discharged dredged or fill material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge of dredged or fill material will not cause the loss of more than 1/10-acre of waters of the United States; and

(c) The discharge of dredged or fill material is not placed for the purpose of a stream diversion.

Pre-construction notification required if:

(1) The discharge of dredged or fill material or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line; or

(2) The discharge of dredged or fill material is in a special aquatic site, including wetlands. (See general condition 32).

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 19. Minor Dredging. (Authority: Sections 10 and 404):

Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters). This RGP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA denied WQC with conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See General Condition 25, Note 1 to apply for an individual WQC.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 20. Response Operations for Oil or Hazardous Substances (Authority: Sections 10 and 404):

Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:

(1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3;

(2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or

(3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This RGP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This RGP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 27. Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities (Authority: Sections 10 and 404):

Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal rivers and streams and their riparian areas, the restoration and enhancement of other non-tidal open waters, and the restoration and enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic ecosystem functions and services.

To be authorized by this RGP, the aquatic ecosystem restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in an aquatic ecosystem that resembles an ecological reference (i.e., a natural ecosystem). An ecological reference may be based on the characteristics of aquatic ecosystems or riparian areas that currently exist in the region, or the characteristics of aquatic ecosystems or riparian area that existed in the region in the past. Ecological references include cultural ecosystems, which are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship for vegetation management). An ecological reference may also be based on regional ecological knowledge, including indigenous and local ecological knowledge, of the target aquatic ecosystem type.

This RGP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic ecosystem functions and services.

This RGP does not authorize: (1) dam removal activities; (2) stream channelization activities; and (3) the conversion of tidal wetlands to open water impoundments and other aquatic uses.

Only native plant species should be planted at the site.

Compensatory mitigation is not required for activities authorized by this RGP because these activities must result in net increases in aquatic ecosystem functions and services.

Reversion. For aquatic ecosystem restoration, enhancement, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), Bureau of Land Management (BLM), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and

Enforcement (OSMRE) or the applicable state agency, this RGP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge of dredged or fill material occurs after this RGP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or an appropriate state cooperating agency. This RGP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity, the permittee or the appropriate federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory Program requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic ecosystem functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this RGP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting:

The permittee must submit a report containing information on the proposed aquatic ecosystem restoration, enhancement, and establishment activity to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this RGP. The report must include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Information on baseline ecological conditions at the project site, including a general description and map of aquatic and terrestrial habitat types on that site. The map of existing aquatic and terrestrial habitat types and their approximate boundaries on the project site should be based on recent aerial imagery or similar information, and verified with photo points or other field-based data points for each mapped habitat type;

(4) A sketch of the proposed project elements of the RGP 27 activity drawn over a copy of the map of existing aquatic and terrestrial habitat types on the project site;

(5) A description of the techniques or mechanisms that are proposed to be used to increase aquatic ecosystem functions and services on the project site, and if applicable;

(6) A copy of: (a) the binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement with the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or their designated state cooperating agencies; (b) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (c) the SMCRA permit issued by OSMRE or the applicable state agency.

Note 1: This RGP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this RGP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

Note 2: If an activity authorized by this RGP requires a pre-construction notification because of a RGP general condition (e.g., RGP general condition 18, endangered species) or a regional condition imposed by a division engineer, the information required by paragraph (3) of the Reporting requirement substitutes for the delineation of waters, wetlands, and other special aquatic sites required by paragraph (b)(5) of general condition 32.

Note 3: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 29. Residential Developments (Authority: Sections 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This RGP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this RGP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 2: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/ . (*This is a pending document and will be published on our website when completed.*)

Note 3: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 33. Temporary Construction, Access, and Dewatering (Authority: Sections 10 and 404):

Temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This RGP also authorizes temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- The project proponent must submit to certifying authorities a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions for all waters (navigable and non-navigable) as well as photos once the restoration work is completed.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 38. Cleanup of Hazardous and Toxic Waste (Authority: Section 10 and 404):

Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this RGP. This RGP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 39. Commercial and Institutional Developments (Authority: Section 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this RGP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 2: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 3: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Note 4: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 41. Reshaping Existing Drainage and Irrigation Ditches. (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage and irrigation ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage or irrigation ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the drainage ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the drainage ditch as originally constructed (i.e., the capacity of the drainage ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This RGP does not authorize the relocation of drainage or irrigation ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage or irrigation ditch must be approximately the same as the location of the centerline of the original drainage or irrigation ditch. This RGP does not authorize stream channelization or stream relocation projects.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 42. Recreational Facilities (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this RGP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This RGP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 43. Stormwater Management Facilities (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. Examples of such nature-based solutions include, but are not limited to, stream biofilters, bioretention ponds or swales, rain gardens, vegetated filter strips, vegetated swales (bioswales), constructed wetlands, infiltration trenches, and regenerative stormwater conveyances, as well as other nature-based solutions and other features that are conducted to meet reduction targets established under Total Maximum Daily Loads set under the Clean Water Act.

This RGP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, and nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. The maintenance of stormwater management facilities and nature-based solutions that do not contain waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This RGP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Pre-construction notification required if:

For discharges of dredged or fill material into non-tidal waters of the United States for the construction of new stormwater management facilities or nature-based solutions, or the expansion of existing stormwater management facilities or nature-based solutions, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or nature-based solution.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.

- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 45. Repair of Uplands Damaged by Discrete Events (Authority: Sections 10 and 404):

This RGP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This RGP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this RGP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This RGP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This RGP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12-month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a Clean Water Act Section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This RGP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA denied WQC with conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See General Condition 25, Note 1 to apply for an individual WQC.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 46. Discharges in Ditches (Authority: Section 404):

Discharges of dredged or fill material into non-tidal ditches that are (1) constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge of dredged or fill material must not cause the loss of greater than one acre of waters of the United States.

This RGP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This RGP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 48. Commercial Shellfish Mariculture Activities (Sections 10 and 404):

Structures or work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States necessary for new and continuing commercial shellfish mariculture operations (i.e., the cultivation of bivalve mollusks such as oysters, mussels, clams, and scallops) in authorized project areas. For the purposes of this RGP, the project area is the area in which the operator is authorized to conduct commercial shellfish mariculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator. This RGP does not authorize structures or work in navigable waters of the United States or discharges of dredged or fill material into waters of the United States within Washington State.

This RGP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This RGP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.

This RGP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;
(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or
(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer if the activity directly affects more than 1/2-acre of submerged aquatic vegetation. If the operator will be conducting commercial shellfish mariculture activities in multiple contiguous project areas, he or she can either submit one pre-construction notification for those contiguous project areas or submit a separate pre-construction notification for each project area. (See general condition 32.)

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "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."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 5: Projects less than or equal to 5 acres in size, should refer to Corps' Maine Aquaculture Programmatic General Permit[1] (NAE-2025-00426) for streamline options.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

[1] The Corps' Maine Aquaculture Programmatic General Permit is proposed and has not been issued at the time of the RGP issuance. Check the Corps website for issuance of the PGP.

RGP 51. Land-Based Renewable Energy Generation Facilities (Authority: Sections 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.)

Note 1: Electric utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by RGP 57 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove electric utility lines and/or road crossings, then RGP 57 and/or RGP 14 shall be used if those activities meet the terms and conditions of GPs 57 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 4: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 5: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*"

for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Note 6: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 52. Water-Based Renewable Energy Generation Pilot Projects (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this RGP, the term "pilot project" means an experimental project where the water-based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2-acre limit.

For each single and complete project, no more than 10 generation units (e.g., wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2-acre in water surface area covered by the floating solar panels.

This RGP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another RGP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the RGP authorization if no FERC license is required.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: Electric utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by RGP 57 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate review and/or approval from the Corps under 33 U.S.C. 408.

Note 3: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under section 10 of the Rivers and Harbors Act of 1899.

Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 6: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-construction notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 7: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 53. Removal of Low-Head Dams (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.

For the purposes of this RGP, the term "low-head dam" is generally defined as a dam or weir built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest and does not have a separate spillway or spillway gates, but it may have an uncontrolled spillway. The dam crest is the top of the dam from left abutment to right abutment. A low-head dam may have been built for a range of purposes (e.g., check dam, mill dam, irrigation, water supply, recreation, hydroelectric, or cooling pond), but in all cases, it provides little or no storage function.

The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this RGP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure that the authorized activity results in no more than minimal adverse environmental effects.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note: This RGP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. General permit 27 or other Department of the Army permits may authorize such activities. This RGP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by RGP 13 or other Department of the Army permits.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 54. Living Shorelines (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural "soft" elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures, but a portion of a living shoreline may consist of an unvegetated cobble, gravel, and/or sand beach, (i.e., a pocket beach).

The following conditions must be met:

(a) The structures and fill area, including cobble, gravel, and/or sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(c) Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;

(d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity and elevation, must be used if the site is planted by the permittee;

(e) Discharges of dredged or fill material into waters of the United States, and oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;

(f) If sills, breakwaters, or other structures must be constructed to protect fringe wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;

(g) The activity must be designed, constructed, and maintained so that it has no more than minimal adverse effects on water movement between the waterbody and the shore and the

movement of aquatic organisms between the waterbody and the shore; and

(h) The living shoreline must be properly maintained, which may require periodic repair of sills, breakwaters, or reefs, or replacing cobble, gravel, and/or sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This RGP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions. This RGP does not authorize beach nourishment or land reclamation activities.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the construction of the living shoreline. (See general condition 32.) The pre-construction notification must include a delineation of special aquatic sites (see paragraph (b)(4) of general condition 32). Pre-construction notification is not required for maintenance and repair activities for living shorelines unless required by applicable RGP general conditions or regional conditions.

Note 1: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by RGP 13.

Note 2: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- Project proponents must submit to the certifying authorities a detailed site description, site plan, photos of pre-construction conditions, as-built plans, and post-construction photos within 20 days of project completion.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 55. Seaweed Mariculture Activities (Sections 10):

Structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities. This RGP also authorizes structures for bivalve shellfish mariculture if shellfish production is a component of an integrated multitrophic mariculture system (e.g., the production of seaweed and bivalve shellfish on the same structure or a nearby mariculture structure that is part of the single and complete project) that does not include an enclosure or impoundment.

This RGP authorizes the installation of buoys, long-lines, floats, anchors, rafts, racks, and other similar structures into navigable waters of the United States. Rafts, racks and other floating structures must be securely anchored and clearly marked. To the maximum extent practicable, the permittee must remove these structures from navigable waters of the United States if they will no longer be used for seaweed mariculture activities or multi-trophic mariculture activities.

Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

This RGP does not authorize:

(a) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody; or (b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.)

In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information:
(1) a map showing the locations and dimensions of the structure(s);
(2) the name(s) of the species that will be cultivated during the period this RGP is in effect; and
(3) general water depths in the project area(s) (a detailed survey is not required). No more than one preconstruction notification per structure or group of structures should be submitted for the seaweed mariculture operation during the effective period of this RGP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this RGP.

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "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."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 5: Projects less than or equal to 5 acres in size, should refer to Corps' Aquaculture Maine Programmatic Agreement[2] (NAE-2025-00426) for streamline options.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

[2] The Corps' Maine Aquaculture Programmatic General Permit (PGP) is proposed and has not been issued at the time of the RGP issuance. Check the Corps website for issuance of the PGP.

RGP 57. Electric Utility Line and Telecommunications Activities. (Authority: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Electric utility lines and telecommunication lines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and telecommunication lines. There must be no change in pre-construction contours of waters of the United States. An "electric utility line and telecommunication line" is defined as any cable, line, fiber optic line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line crossing of each waterbody.

Electric utility line and telecommunications substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors: This RGP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, 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.

Access roads: This RGP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize

discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the electric utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required; or
(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.).

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the ‘as-built drawings’ and the geographic

Coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For electric utility line or telecommunications activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Electric utility line and telecommunications activities must comply with 33 CFR 330.6(d).

Note 3: Electric utility lines or telecommunication lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the electric utility line or telecommunication line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: This RGP authorizes electric utility line and telecommunication line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For overhead electric utility lines and telecommunication lines authorized by this RGP, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 7: For activities that require pre-construction notification, the pre-construction notification must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the pre-construction notification in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 8: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 58. Utility Line Activities for Water and Other Substances (Authority: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by GPs 12 or 57, respectively. This RGP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this RGP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This RGP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This authorizes the construction of access roads for the construction and

maintenance of utility lines, including utility line substations, in nontidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required; or
(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.)

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see RGP 15).

Note 5: This RGP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require pre-construction notification, the pre-construction notification must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the pre-construction notification in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.
- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 60. Activities to Improve Passage of Fish and Other Aquatic Organisms (Authority: Sections 10 and 404):

Discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States for activities that restore or enhance the ability of fish and other aquatic organisms to move through aquatic ecosystems. Examples of activities that may be authorized by this RGP include, but are not limited to: the construction, maintenance, or expansion of conventional and nature-like fishways; the construction or expansion of fish bypass channels around existing in-stream structures; the replacement of existing culverts or low-water crossings with culverts planned, designed, and constructed to restore or enhance passage of fish and other aquatic organisms; the installation of fish screens to prevent fish and other aquatic organisms from being trapped or stranded in irrigation ditches and other features; the modification of existing in-stream structures, such as dams or weirs, to improve the ability of fish and other aquatic organisms to move past those structures.

The activity must not cause the loss of greater than one acre of waters of the United States.

This RGP does not authorize dam removal activities.

Pre-construction notification required if:

For activities resulting in the loss of greater than 1/10-acre of waters of the United States, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- Culverts shall be sized to prevent perching and pooling.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP A. Boat Ramps (Authorities: Sections 10 and 404):

Activities required for the construction, repair, or replacement of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge of dredged or fill material into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and

(e). Fill material cannot cause the loss of over 2,000 square feet of special aquatic sites.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another a regional general permit or an individual permit.

Pre-construction notification required if:

(1) The discharge of dredged or fill material into waters of the United States exceeds 50 cubic yards;

(2) The boat ramp exceeds 20 feet in width; or

(3) The project includes a discharge of fill material into a special aquatic site.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- WQC and CZM are only given for public boat ramps. Private boat ramps require individual WQC and CZM review.
- WQC and CZM are only given for projects that are not proposed for areas in, on, or over emergent marsh vegetation or intertidal mudflat. Projects proposed for areas in, on, or over emergent marsh vegetation or intertidal mudflat require individual WQC and CZM review.
- Machinery may operate below the water line only when necessary to excavate or place material below the existing water level and must travel and operate on temporary mats or portions of the ramp that have been constructed.

- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP B. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Relocation, Rock & Debris Removal, and Recreational Beach Grading & Raking (Authorities: Section 10 and Section 404):

(a) New dredging up to 1/2 acre, unless the district engineer waives this area limit by making a written determination concluding the work will result in no more than minimal adverse environmental effects; **(b)** Maintenance and/or Improvement dredging within previously authorized areas; **(c)** In-water disposal of dredged material within previously authorized disposal sites & confined aquatic disposal (CAD) cells, for beach nourishment, or unconfined open water disposal (excluding offshore or ocean disposal and the transport thereof pursuant to 33 CFR Part 324); **(d)** beach nourishment not associated with dredging; **(e)** rock relocation; **(f)** rock and debris (i.e., pieces of concrete, wood, derelict structures, abandoned or sunken vessels, artificial materials, refuse, and similar materials) removal; **(g)** and recreational beach grading and raking.

Pre-construction notification required if:

1) The activities are conducted under categories (a), (c), and (d) above; or
2) The dredging is conducted under category (b) above and exceeds 1/10-acre footprint; or
3) Disposal of the dredged material in its entirety does not occur solely in uplands; or
4) Rock relocation or removal exceeds 25 cubic yards.

New Dredging: For the purposes of this RGP, new dredging means the specific area (i.e. footprint) has not been dredged previously, or dredging has not been previously authorized by the Corps, or dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Improvement Dredging: For the purposes of this RGP, improvement dredging means dredging in a previously authorized currently serviceable area where dredging has occurred in the recent past. The proposed dredging will occur within the same footprint, but will be to depths greater than previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Maintenance Dredging: For the purposes of this RGP, maintenance dredging means dredging in a previously authorized currently serviceable area where dredging has occurred. The proposed dredging will occur within the same footprint and to depths not exceeding that which has been previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Note 1: The Corps will require documentation of prior authorization and previous dredging that occurred as necessary. Dredging typically refers to removal of accumulated sediment for navigational purposes to establish or maintain design depths of navigation channels, harbors, marinas, boat launches, port facilities, and similar features. Maintenance dredging is conducted for navigational purposes and does not include any expansion of the previously dredged area. The Corps may consider a maintenance activity as new dredging if sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Note 2: Activities including the transport & disposal of dredged material offshore within ocean waters will require Section 103 MPRSA authorization and are not authorized under this General Permit. These activities shall follow special procedures outlined in 33 CFR 324.4. Evaluation shall follow the criteria established by the Administrator of EPA pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (40 CFR parts 220-229).

Note 3: A pre-application consultation is strongly advised for all activities that involve in water disposal of dredged material to determine requirements for sampling and analysis plans (SAPs) and obtaining the suitability determination (SD).

Note 4: Refer to New England District Dredge Procedures for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/Missions/Regulatory/Dredged-Material-Program/.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.
- WQC and CZM are only given in areas with no known historical contamination that would pose elevated risk to human health and aquatic life under 06-096 C.M.R. ch. 584.
- Maintenance and/or improvement dredging must be less than 50,000 cubic yards.
- Wheeled or tracked equipment may not be operated in the water.
- Beach nourishment may extend up to the frontal dune, including up to the top of an erosional scarp, but may not cover in-place dune vegetation. Maine Coastal Sand Dune Geology: https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm.

- For a beach nourishment project, the total volume of sand and gravel to be placed on the beach may not exceed a volume of two feet deep over the surface area of the beach or 10,000 cy, whichever is less.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP C. Structures and Moorings in Navigable Waters of the U.S. (Authority: Section 10 and Section 404):

New, expansions, replacement, removal, reconfigurations, or modifications of structures within navigable waters of the U.S., including but not limited to temporary/seasonal or permanent pile- and crib-supported piers, gangway ramps, floats, stairs, dolphins, shore haul outs, moorings, boat & float lifts. Discharges of fill material that are associated with the construction of such structures (e.g., poured concrete footings, etc.) that do not exceed 1/10 in waters of the U.S. This RGP does not authorize artificial reefs and new marinas, unless the district engineer waives this limitation by making a written determination concluding the work will result in no more than minimal adverse environmental effects.

Pre-construction notification required if:

(1) There are multiple new commercial or rental moorings;

(2) The piles cannot be installed “in the dry” (i.e. below the mean low water and/or during periods of high tide that leave the site submerged);

(3) New piers, ramps, and floats exceed a total of 1,000 square feet below the MHW; or

(4) Structure(s) extend greater than 25 percent of the waterway width, as measured from mean low water.

Note 1: Structures with no discharges of dredged or fill material are not regulated by the Corps in non-navigable waters.

Note 2: Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval.

Note 3: Minor relocation of previously authorized moorings requires no additional authorization so long as all general conditions of the general permit are met.

Note 4: Low impact mooring systems, including conservation moorings, are encouraged to minimize impacts of chain scouring from conventional moorings during the tidal cycle. Existing, authorized moorings that are converted from traditional moorings to low impact mooring technology and/or helical anchors do not need further authorization.

Note 5: Coastal structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above MHW and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- WQC and CZM are not given for proposed structures within a coastal sand dune system. Structures in a sand dune system would require individual WQC and CZM review. Maine Coastal Sand Dune Geology: https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm.
- WQC and CZM are not given for new permanent structures greater than 100 linear feet over tidal wetlands. New permanent structures greater than 100 linear feet over tidal wetlands would require individual WQC and CZM review.
- Dimensions of replacement structures in wetlands must be minimized and any disturbed wetlands must be re-established upon completion of the activity and must be maintained.
- Wheeled or tracked equipment may not be operated in the water.

- EPA granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

RGP-specific condition:

- This grant with conditions is for structures in non-wetland waters of the United States. For work that proposes installation of new structures in wetlands, an individual water quality certification will be required.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

SECTION IV: General Conditions

To qualify for RGP authorization, the prospective permittee must comply with the following general conditions (GCs), as applicable. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an RGP.

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects From Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains.
11. Equipment.
12. Soil Erosion and Sediment Controls.
13. Removal of Temporary Structures and Fills.
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights.
18. Federal Threatened and Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-By-Case Conditions
28. Use of Multiple Regional General Permits
29. Transfer of General Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification
33. PCN Summary Table
34. Essential Fish Habitat
35. Invasive Species
36. General Permit Documentation On-Site
37. Abandonment
38. Expiration of Regional General Permits

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

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

(c) The permittee understands and agrees that, if future operations by the United States 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 or her 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 of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(d) Aquaculture:

Navigation Risk Assessment (NRA), Aids to Navigation (AtoN), and Charting:

i. Coordination with the USCG can be completed by contacting via email: D01-SMB-SecNNE-Waterways@uscg.mil.

The applicant shall provide the following information to facilitate completion of the NRA: applicant name/company affiliation, license/lease type (commercial, research, shellfish, kelp, new or modified), nautical chart, detailed drawing with dimensions, time of year, potential lighting/marking, types/materials of structures in water, planned anchoring, cultivation techniques (number of weekly/monthly visits, vessel tending/type), and any other significant information.

If the applicant receives a medium- or high-risk assessment, they shall coordinate with the Corps and apply safety risk mitigations. The USCG will refer the project to the Corps unless the Corps makes the determination that it may proceed.

Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense. For required permitting, the applicant shall contact USCG First District Private Aid Program Manager through D01-SMB-D01PrivateAtoN@uscg.mil. Only actual AtoNs are permitted; floats, balls, markers, mooring balls and ‘highflier flags’ are not considered Aids to Navigation (AtoN). See: http://www.usharbormaster.com.

Applicants shall notify NOAA’s National Ocean Service (NOS) Nautical Data Branch Office of Coast Survey to initiate chart and Coast Pilot corrections. See:

https://nauticalcharts.noaa.gov/. Applicants must also notify NOAA on removal. See Note 2 below.
ii. For marine safety information during construction or other significant periods, applicants may use the First District's Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil.

Note 1: If a PCN is required, applicants shall include documentation of all required coordination with their PCN.

Note 2: For nautical chart and coast pilot updates, activities owners should use the status report form at https://nauticalcharts.noaa.gov/charts/docs/charts-updates/USACE+Permit+Status+Report.pdf. For aquaculture activities owners should use: https://nauticalcharts.noaa.gov/charts/docs/charts-updates/Artificial+Reef+Aquaculture+Status+Report.pdf to notify the Office of Coast Survey of the project completion. The form should be emailed to ocs.ndb@noaa.gov and should include a copy of as-built drawings.

Note 3: There shall be no unreasonable interference with navigation by the existence or use of any activity authorized by any RGP, and no attempt shall be made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to any activity authorized by any RGP.

2. **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. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

Note: Compliance with this condition may be achieved by ensuring that during in-stream work, the low flow channel/thalweg remains unobstructed during periods of low flow, except when it is necessary to perform the authorized work. Additionally, for work in tidal waters, in-stream controls should be installed in such a manner that do not obstruct fish passage.

3. **Spawning Areas.**

Activities in spawning areas during spawning seasons must be avoided 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.

4. **Migratory Bird Breeding Areas.**

   Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.**
   No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by RGPs 4, 48, 55 or is a shellfish seeding or habitat restoration activity authorized by RGP 27.

   Note: Contact the Maine Department of Marine Resource (ME DMR) for further conservation measures if a proposed activity would result in excess turbidity (i.e., dredging) and is located within 100 feet of ME DMR shellfish areas. Reference materials can be found at: https://dmr-maine.opendata.arcgis.com/datasets/mainedmr-molluscan-shellfish-2010/explore?location=43.733484%2C-69.767928%2C10.43 and https://mgs-maine.opendata.arcgis.com/datasets/maine-coastal-marine-geologic-environments/explore.

6. **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 section 307 of the Clean Water Act).

7. **Water Supply Intakes.**

   No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent stabilization.

8. **Adverse Effects From Impoundments.**

   If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

   Note: Permanent wetland crossings shall be constructed in such a manner as to prevent excessive ponding or drying on either side of the authorized crossing after completion of the work. Measures shall be taken to maintain the existing hydrology. Such measures may include road cross drains such as culverts that are appropriately sized and placed at intervals to maintain the existing hydrology of the contiguous wetland.

9. **Management of Water Flows.**

   To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream

channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows, including tidal flows. The activity must not restrict or impede the passage of normal or high flows, including tidal 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).

10. Fills Within 100-Year Floodplains.

The activity must comply with applicable FEMA approved state or local floodplain management requirements.

11. Equipment.

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

If mats are used to minimize soil disturbance, the affected areas must be returned to pre-construction elevations, and revegetated as appropriate. In circumstances where the use of mats has caused significant soil compaction efforts using techniques (e.g., soil reaeration techniques) to break up the compaction should be employed to return the soil to a pre-construction state prior to returning to pre-construction elevations.

Note 1: Compliance with this condition may be achieved through the implementation of best management practices outline in NAE's "*Construction Mat BMPs*" document available at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/.

Note 2: Compliance with this condition may be achieved by ensuring that construction equipment such as barges in tidal waters always provide clearance above the substrate to avoid impacts to SAS during all tides.

Note 3: Compliance with this condition may be achieved by ensuring that construction equipment that would cross or access streams utilizes temporary bridges, spans, construction mats, culverts, or cofferdams to minimize disturbance to the waterway.

12. Soil Erosion and Sediment Controls.

Appropriate soil erosion and sediment controls 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 ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Note: Compliance with this condition may be achieved by ensuring that all discharge points back into waters of the U.S., including wetlands use appropriate energy dissipaters and erosion and sedimentation control BMPs. Controls that are biodegradable can be left in place but should be removed if not biodegradable. Temporary controls should be removed upon completion of work, but not before all exposed soil and other fills and any work waterward of the OHWM are permanently stabilized. Once permanently stabilized, temporary controls should be removed as soon as possible. Sediment and debris collected by these controls should be removed and placed at an upland location and in a manner that will prevent its later erosion into a waterway or wetland.

13. Removal of Temporary Structures and Fills.

Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The affected areas must be revegetated, as appropriate.

Note: Compliance with this general condition may be achieved through the use of underlying temporary fills with geotextile fabric which may help to facilitate the restoration to pre-construction elevations.

14. Proper Maintenance.

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the district engineer to an RGP authorization.

Note: Derelict, degraded or abandoned piles and sheet piles in navigable waters of the U.S., except for those inside existing work footprints for piers, must be completely removed, cut and/or driven to three feet below the substrate to prevent interference with navigation. Existing creosote piles that are affected by project activities shall be completely removed if practicable. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method to minimize sedimentation and turbidity impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate, or mudflats.

15. Single and Complete Project.

The activity must be a single and complete project. The same RGP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No RGP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible

inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the pre-construction notification with the Federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

Note: See also: General Condition 33(c), Additional PCN Requirement (Wild and Scenic Rivers).

17. Tribal Rights.

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Federal Threatened and Endangered Species.

(a) No activity is authorized under any RGP which 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 designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any RGP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has

been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

Note: Federal agencies should refer to "*Multiple Federal Agency & Lead Federal Agency Best Practices"* when a Corps permit is required, which can be found on the Corps webpage at: www.nae.usace.army.mil/Missions/Regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the RGPs.

(e) Authorization of an activity by an RGP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat

modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal permittee should provide a copy of that ESA section 10(a)(1)(B) permit with the pre-construction notification required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed RGP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete preconstruction notification whether the ESA section 10(a)(1)(B) permit covers the proposed RGP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles.

The permittee is responsible for ensuring that an action authorized by an RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any RGP which may have the potential to cause effects on properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed RGP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that

the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

Note: Federal agencies should refer to "*Multiple Federal Agency & Lead Federal Agency Best Practices"* when a Corps permit is required, which can be found on the Corps webpage at: www.nae.usace.army.mil/Missions/Regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the RGP activity might have the potential to cause effects on any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed RGP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the pre-construction notification and these identification efforts, the district engineer shall determine whether the proposed RGP activity has the potential to cause effects on historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed RGP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects on historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the

non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

Note: To comply with GC 20 above, the *State Historic Preservation Office & Tribal Scoping Request* template should be submitted to the Maine Historic Preservation Commission and the Federally Recognized Tribes and included in the PCN submission to the Corps, which can be found on the Corps website. Also, the document titled "*Best Practices for Historic Properties & Cultural Resources"* is also found on the Corps website at: https://www.nae.usace.army.mil/Missions/Regulatory/. (*The above documents are pending and will be published on our website when completed. Please continue to notify the MHPC and THPOs through current practices.*)

21. Discovery of Previously Unknown Remains and Artifacts.

Permittees that discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by an RGP, they must immediately notify the district engineer of what they 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 district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters.

Critical resource waters include, NOAA managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district

engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by RGPs 7, 12, 17, 29, 39, 42, 43, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For RGPs 3, 13, 15, 18, 19, 27, 33, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these RGPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation.

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 -acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-

by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, because streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for RGP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the RGPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the pre-construction notification is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the RGP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the RGP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the RGPs. For example, if an RGP has an acreage limit of ½-acre, it cannot be used to authorize any RGP activity resulting in the loss of greater than ½ -acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an RGP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the RGPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the RGP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may

be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

Note 1: In addition to the requirements of GC 23 above - *Mitigation*, compensatory mitigation requirements for unavoidable impacts to waters of the U.S. will be evaluated in accordance with the current *New England District Compensatory Mitigation Standard Operating Procedures* (April 26, 2024) and any superseding versions thereof (https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/).

Note 2: Applicants are encouraged to utilize the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) in order to determine which in-lieu fee programs and/or mitigation banks have a sufficient amount of appropriate and available credits which they may propose to use to offset their proposed activity's unavoidable impacts to waters of the U.S., including wetlands. RIBITS is available at: https://ribits.ops.usace.army.mil/ords/f?p=107:2:::::.

24. Safety of Impoundment Structures.

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an RGP with CWA section 401, a CWA section 401 water quality certification for the proposed activity which may result in any discharge from a point source into waters of the United States must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by the certifying authority for the issuance of the RGP, then the permittee must obtain a water quality certification or waiver for the proposed activity which may result in any discharge from a point source into waters of the United States in order for the activity to be authorized by an RGP.

(b) If the RGP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an RGP with CWA section 401, the proposed activity which may result in any discharge from a point source into waters of the United States is not authorized by an RGP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge into waters of the United States, the permittee must submit a copy of the certification to the district engineer. The discharge into waters of the United States is not authorized by an RGP until the district engineer has notified the permittee that the water quality

certification requirement has been satisfied (i.e., by the issuance of a water quality certification or a waiver and completion of the Section 401(a)(2) process).

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

Note 1: For information concerning how to apply to EPA for a Water Quality Certification for activities located within a Indian Reservation and Acadia National Park, please see: https://www.epa.gov/cwa-401/resources-when-epa-acts-certifying-authority-under-section-401 and/or contact: R1CWA401@epa.gov.

Note 2: For information concerning how to apply to LUPC or MEDEP for a Water Quality Certification, please see: https://www.maine.gov/dep/water/wd/wqc/.

26. Coastal Zone Management.

In coastal states where an RGP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an RGP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

Note 1: If an individual state coastal zone management consistency concurrence is required, applicants should submit a determination of consistency (see 15 CFR 930 Subpart C) or a consistency determination to the state (see 15 CFR 930 subpart D) at the same time as the PCN is submitted to the Corps, or shortly thereafter.

Note 2: For information concerning how to apply to the Maine Office of Community Affairs for a coastal zone management consistency certification, please see: https://www.maine.gov/dmr/programs/maine-coastal-program/federal-consistency-review.

27. Regional and Case-By-Case Conditions.

The activity must comply with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Regional General Permits.

The use of more than one RGP for a single and complete project is authorized, subject to the following restrictions:

(a) The total acreage loss of waters of the United States for a single and complete project cannot exceed the acreage limit of the RGP with the highest specified acreage limit when multiple RGPs are used to authorize an activity.

(b) If only one of the RGPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed that specified acreage limit. For example, if a road crossing over tidal waters is constructed under RGP 14 (which has an acreage limit of 1/3 acre in tidal waters), with associated bank stabilization authorized by RGP 13 (which does not have a specified acreage limit), the maximum acreage loss of waters of the United States for the total project cannot exceed 1⁄3-acre.

(c) If two or more of the RGPs used to authorize the single and complete project have specified acreage limits, the acreage loss of waters of the United States authorized by each of those RGPs cannot exceed the specified acreage limits of each of those RGPs. For example, if a commercial development is constructed under RGP 39 (which as a 1/2-acre limit), and the single and complete project includes the filling of a ditch authorized by RGP 46 (which has a 1-acre limit), the maximum acreage loss of waters of the United States for the construction of the commercial development under RGP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States caused by the combination of the RGP 39 and RGP 46 activities cannot exceed 1 acre.

29. Transfer of General Permit Verifications.

If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

_____ _____

(Transferee)

_____

30. Compliance Certification.

Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The successful completion of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the RGP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the RGP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

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

If an RGP activity also requires review by, or 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 (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification.

Note: Refer to the New England District's Section 408 Program webpage that can be found at: https://www.nae.usace.army.mil/Missions/Section-408/. See also: Regional Condition 33(b), Additional PCN Requirement (Federal Projects).

32. Pre-Construction Notification.

(a) Timing. Where required by the terms of the RGP, the prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information

necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the RGP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific RGP or RGP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the RGP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental

effects caused by the proposed activity; and any other RGP(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require preconstruction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an RGP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non PCN RGP activities into RGP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the RGP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate. For RGP 27 activities that require PCNs because of other general conditions or regional conditions imposed by division engineers, see Note 2 of that RGP;

Note: To comply with the above GC 32(5), the following methodologies should be utilized:

(a) Wetlands should be delineated in accordance with the Corps Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information can be found at: www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands and https://www.usace.army.mil/Media/Announcements/Article/4262089/1-august-2025-us-army-corps-of-engineers-enhances-aquatic-resource-delineation/.
(b) Refer to the “Best Practices for Jurisdictional Determinations and Wetland Delineations,” which can be found on the Corps webpage at:

https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) The ordinary high water mark should be delineated (on both sides) when streams, rivers, non-tidal open waters are present on the project site. Ordinary high water mark guidance can be found in RGL 05-05 (https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll9/id/1253). For complex, atypical, or problematic sites see: https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/.

(d) Vegetated shallows should be delineated when present on the project site. Vegetated shallow survey guidance and maps can be found on the Corps webpage at: https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/.

(e) All Essential Fish Habitat should be delineated when present on the project site. EFH survey guidance can be found in the current EFH programmatic, which can be found on the Corps webpage at https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/.

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the compensatory mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For RGP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the RGP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For RGP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an RGP activity that requires permission from, or review by, 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 preconstruction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

Note: Refer to the "*Best Practices for 408 Procedures",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

(c) Form of Pre-Construction Notification: The regional general permit pre-construction notification form (Form ENG 4342) should be used for RGP PCNs. A letter containing the required information may also be used. All PCN forms shall be submitted to the Maine Project Office via email:cenae-r-me@usace.army.mil.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the RGPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for:

(i) all RGP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States;

(ii) RGP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and

(iii) RGP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters.

(iv) All activities that require a waiver.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). These agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district

engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the RGPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered.

(4) In cases where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants will submit necessary documents and files to the Corps electronically via email at cenae-r-me@usace.army.mil or using the RRS at https://rrs.usace.army.mil/rrs

(6) The USACE will require additional information not listed here be provided with the PCN if necessary for compliance with other federal laws.

33. PCN Summary Table.

The following activities may require a PCN regardless of the terms of the applicable RGP. Please read the applicable GC to determine if a PCN is required.

Exceedance of loss thresholds within streams, non-tidal and tidal wetlands, tidal submerged aquatic vegetation, mudflats, and intertidal areas	See GC 33 - a
Located within or the vicinity of a Federal Project	See GC 33 - b
Located within or the vicinity of a Wild and Scenic River	See GC 33 - c
Involving discharges of temporary fill material	See GC 33 - d
Located within Vernal Pools	See GC 33 - e
Involving slip lining	See GC 33 - f
Activities within Time-of-Year Restrictions	See GC 33 - g
Located within the Saint John and Saint Croix River basins (Maine)	See GC 33 - h
Authorized by RGP 48, Commercial Shellfish Mariculture Activities and within the State of Maine > 5 acres	See GC 33 – i
Additional aquatic resource protection - activities within Important Rare Resources	See GC 33 - j
Involving stream crossings	See GC 33 - k

(a) Additional PCN Requirement (Specific Resources):

A PCN is required for any proposed activities which would result in the loss of waters of the United States[3] that exceed the listed thresholds to the following aquatic resources if not already required by the RGP.

Aquatic Resource:	**Threshold:**
Non-tidal Wetlands	4,356 square feet (0.1 acre)
Tidal and Non-Tidal Stream	200 linear feet or 0.03 acre (whichever is less)
Tidal Wetland	500 square feet
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet
Mudflat	1,000 square feet
Intertidal	1,000 square feet

(b) Additional PCN Requirement (Federal Projects):

A PCN is required for any proposed activities which would involve the temporary or permanent occupation of, or alteration of, a federal project (including, but not limited to, a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States). This includes all structures and work in, over, or under a Corps' federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance three times the FNP's authorized depth.

The activity may also require review and approval by the Corps pursuant to 33 USC 408 (Section 408 Permission). The applicant may reach out to the points of contact listed here: https://www.nae.usace.army.mil/Missions/Section-408/ and consult the National Channel Framework mapper: https://experience.arcgis.com/experience/b413139f18c046009ebcf62abea941dd/page/Map/. For activities which require a Section 408 permission, verification under a RGP will not be issued prior to the decision the Section 408 permission requires. Any structure or work constructed in an FNP, or its buffer zone shall be subject to removal at the owner's expense prior to any future Corps dredging or hydrographic surveys.

Applicants should contact the Corps Real Estate Division (https://www.nae.usace.army.mil/Missions/Real-Estate-Division/) at (978) 318-8585 for work that would occur on or would potentially affect a Corps property (or properties) and/or Corps-controlled easements. Work may not commence on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents demonstrating site-specific permission to perform work.

A PCN is not required if an applicant has previously obtained a Section 408 permission for their proposed activities, or a determination from the Corps that a Section 408

[3] See Section VI – Definitions and Acronyms for loss of Waters of the United States.

permission is not required for their proposed activities, and the proposed activities qualify for a non-notifying RGP.

(c) Additional PCN Requirement (Wild and Scenic Rivers):

A PCN is required under GC 16, Wild and Scenic Rivers, and for: 1) any proposed activities which would be located in and within 0.25 mile up or downstream of a Wild and Scenic River (WSR) segment, or in tributaries within 0.25 mile of a WSR segment; 2) any proposed activities which would be located in wetlands within 0.25 mile of a WSR segment; and 3) any proposed activities that have the potential to alter free-flowing characteristics in a WSR segment. Applicants should utilize http://www.rivers.gov/ for the most up-to-date WSR designations.

Note: Applicants may coordinate with the Federal agency that has direct management responsibility of the WSR segment or tributary their proposed activity would be within 0.25 mile of prior to submitting a PCN to the Corps. If that Federal agency determines that the proposed activity would not adversely affect the subject WSR, a PCN is not required to be submitted.

(d) Additional PCN Requirement (Temporary Fills):

A PCN is required for any proposed activities that would involve the discharge of temporary fill (33 CFR 323.2(e) and (f)) greater than 1/10-acre to be left in place in non-tidal wetlands for more than one growing season. The growing season is generally defined as April 1 to September 30 (See the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* for more information about determining growing season. https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/Wetland-Delineation-Manual/).

Note 1: The Corps will decide on a case-by-case basis, after evaluating site-specific and activity-specific circumstances whether temporary construction mats proposed for use are considered as temporary fill.

Note 2: For linear projects, crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization (33 CFR 330.2(i)). Therefore, each crossing of a water of the U.S., including wetlands could have up to 0.1 acre of temporary fill without requiring the submittal of a PCN.

(e) Additional PCN Requirement (Vernal pools):

A PCN is required for any proposed discharges of dredged or fill material within a vernal pool depression which has been determined to be a water of the U.S. For information

on vernal pools, please visit:
https://www.nae.usace.army.mil/Missions/Regulatory/Vernal-Pools/

Note: Please note that the state may regulate additional vernal pools that the Corps does not.

(f) Additional PCN Requirement (Slip-Lining):

A PCN is required for any proposed activity which involves slip-lining a stream crossing that is not currently meeting the stream crossing BMPs found in GC 33(k) below (e.g., slip-lining and invert-lining).

(g) Additional PCN Requirement (In Water Work Time-of-Year Windows and Restrictions):

In-water work (including physical alterations) within non-tidal and tidal waters, shall be conducted during the following time-of-year (TOY) work windows (see below table). Approval to work outside the TOY work windows must be obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using the form located at: https://www.maine.gov/dep/land/permits/pbr/index.html for work in non-tidal waters or from the Maine Department of Marine Resources (DMR): https://www.maine.gov/dep/land/permits/pbr/index.html for work in tidal waters. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window from IFW or DMR is not obtained, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the state's approval for working outside the TOY restriction shall be submitted with the PCN.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	Oct. 2 to Jul. 14	Jul. 15 to Oct 1.
Tidal Waters	Apr. 16 to Nov. 14	Nov. 15 to Apr. 15

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely "in-the-dry" or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term "in-the-dry" means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

(h) Additional PCN Requirement (Saint John and Saint Croix River basins):

A PCN is required for any proposed work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction, or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side

of the boundary; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

(i) Additional PCN Requirement (RGP 48, Commercial Shellfish Mariculture Activities):

A PCN is required for any activities proposed under RGP 48 which would install gear for a commercial shellfish operation within a site greater than 5 acres in size.

(j) Additional PCN Requirement (Important or Rare Resources):

A PCN is required if a discharge of dredged or fill material is proposed within any of the following aquatic resources or resource types identified as specifically important or rare within the State of Maine that warrant additional protections:

1. Lakes and tributaries that support arctic char and lake whitefish; or
2. Bogs and fens

(k) Additional PCN Requirement (Activities that do not meet the Stream Crossing BMPs):

A PCN is required for any proposed stream crossing activities that cannot comply with the below “Stream Crossing Best Management Practices (BMPs)” unless the district engineer provides the applicant written verification removing the below requirements.

1. The width of the crossing shall be greater than or equal to 1.2 times the bank full width.
2. The crossing shall be embedded greater than or equal to 2 feet and/or at least 25 percent of the conveyance’s height.
3. The crossing shall be constructed with a natural bottom substrate, as applicable.
4. The crossing shall match the gradient (i.e., slope) of the natural stream channel profile.
5. The crossing shall meet an openness ratio of greater than 0.82 feet.

For proposed stream crossings that cannot implement the above BMPs, the applicant should first coordinate with the appropriate state office to obtain required or recommended alternate stream crossing BMPs, prior to submitting a PCN to the Corps. If a stream crossing is designed to meet the standards required or recommended by the appropriate state agency for which the proposed activity is located within, those standards can serve in-lieu of these BMPs and submittal of a PCN is not required.

Note: Below are links to the stream crossing standards/guidelines for Maine that have published such standards/guidelines. Applicants are highly encouraged to contact their state for additional information regarding those requirements and/or recommendations, as state requirements may be more stringent than the above listed BMPs.

Maine Interagency Stream Crossing Guidelines:
(https://www.nae.usace.army.mil/Missions/Regulatory/) - (*This is a pending document and will be published on our website when completed.*)

CoastWise:
(https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf)

34. Essential Fish Habitat (EFH):

Essential Fish Habitat (EFH) is defined as those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802).
The following GPs have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RGP as applicable to the activity, including all activity thresholds and activity-specific Conservation Recommendations (CRs) identified in the current EFH and Fish and Wildlife Coordination Act (FWCA) Programmatic Consultation (https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/).
For non-Federal applicants whose proposed activities would be located within EFH and that do not require a PCN per the language of the RGP or per any other general or regional condition (i.e., non-notifying), the applicant shall review the current EFH and FWCA Programmatic Consultation (https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/) to ensure their proposed activity complies with all applicable CRs.

a. A PCN is required for any proposed project which would exceed the activity thresholds that are included within the current EFH and FWCA Programmatic Consultation. Any proposed project that exceeds an activity threshold requires preliminary coordination/project-specific consultation.

b. For all activities which do not exceed the activity-based thresholds included within the current EFH and FWCA Programmatic Consultation, the project proponent shall implement the activity-specific applicable CRs. If the applicable CRs cannot be implemented, a PCN must be submitted to the Corps, and work may not commence until the Corps verifies the project under the applicable RGP(s).

Federal applicants should follow their own procedures for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and Fish and Wildlife Coordination Act.

Note 1: For activities proposed for authorization by an RGP that requires the submittal of a PCN, applicants are encouraged to review the current EFH and FWCA Programmatic

Consultation and design their proposed activities with the activity-based thresholds and incorporate applicable CRs.

Note 2: Applicants can utilize the NMFS EFH mapper to determine if their proposed activities are located within EFH: https://www.habitat.noaa.gov/apps/efhmapper/. Applicants can also utilize the current EFH and FWCA Programmatic Consultation (https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/) for guidance on non-tidal waterbodies with diadromous fish.

35. **Invasive Species:**
The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or into areas adjacent to the project site caused by the site work shall be prevented. Native, non-invasive vegetation must be used for revegetation unless otherwise authorized by the Corps, and shall not contain any species listed in Appendix K ("Invasive and Other Unacceptable Plant Species") of the current *New England District Compensatory Mitigation Standard Operating Procedures* and any superseding versions thereof (https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/). Information about how to avoid the spread of invasive species can be found at: https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species.

36. **General Permit Documentation On-Site:**
The permittee shall ensure that a copy of their verification letter (for notifying GPs only) and applicable RGP with all applicable GCs are at the worksite whenever work is being performed, and that all personnel performing work are fully aware of its terms and conditions.

37. **Abandonment:**
If the permittee decides to abandon the activity authorized by a RGP, unless such abandonment is merely the transfer of property to another party, the permittee may be required to restore the area to the satisfaction of the Corps.

38. **Expiration of Regional General Permits:**
If an RGP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e, are under construction) or are under contract to commence in reliance upon an RGP will remain authorized provided the activity is completed within twelve months of the date of an RGP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization. Activities completed under the authorization of an RGP which was in effect at the time the activity was completed continue to be authorized by that RGP.

Section V: District Engineer's Decision

1. In reviewing the pre-construction notification for the proposed activity, the district engineer will determine whether the activity authorized by the Maine General Permit will result in more than minimal individual or cumulative adverse environmental effects or maybe contrary to the public interest. If a project proponent requests authorization by a specific General Permit, the district engineer should issue the General Permit verification for that activity if it meets the terms and conditions of that General Permit, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require pre-construction notifications to determine whether they individually satisfy the terms and conditions of the RGP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by a RGP. If an applicant requests a waiver of an applicable limit, the district engineer will only grant the waiver upon a written determination that the RGP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the RGP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by a RGP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the RGP activity, the type of resource that will be affected by the RGP activity, the functions provided by the aquatic resources that will be affected by the RGP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the RGP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add activity-specific conditions to the RGP authorization to address site-specific environmental concerns.

3. If the proposed RGP activity includes a loss of waters greater than the thresholds outlined in the New England Compensatory Mitigation Guidance, the prospective permittee should submit a mitigation proposal with the pre-construction notification. Applicants may also propose compensatory mitigation for RGP activities with smaller impacts, or for impacts to other types of waters. However, compensatory mitigation shall not be required for activities authorized by RGP 27 because those activities must result in net increases in aquatic resource functions and services (see the text of RGP 27). The district engineer will consider any proposed compensatory mitigation or other

mitigation measures the applicant has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the proposed activity complies with the terms and conditions of the RGP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the RGP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the pre-construction notification, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan and determine whether the proposed mitigation would ensure that the RGP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the RGP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the RGP activity can proceed under the terms and conditions of the RGP, including any activity-specific conditions added to the RGP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed RGP activity are more than minimal, then the district engineer will notify the applicant either:
(a) that the activity does not qualify for authorization under the RGP and instruct the applicant on the procedures to seek authorization under an individual permit;

(b) that the activity is authorized under the RGP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or

(c) that the activity is authorized under the RGP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day pre-construction notification review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not

practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information:

1. District engineers have authority to determine if an activity complies with the terms and conditions of an RGP.

2. RGPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. RGPs do not grant any property rights or exclusive privileges.

4. RGPs do not authorize any injury to the property or rights of others.

5. RGPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

SECTION VI: Definitions and Acronyms

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

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

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic ecosystem restoration, enhancement, or establishment activity under RGP 27. An ecological reference may be based on: (1) the structure, functions, and dynamics of an aquatic ecosystem type or a riparian area type that currently exists in the region; (2) the structure, functions, and dynamics of an aquatic ecosystem type or riparian area type that existed in the region in the past; and/or (3) indigenous and local ecological knowledge that apply to the aquatic ecosystem type or riparian area type (i.e., a cultural ecosystem). Cultural ecosystems are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship). An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

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

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the

absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

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

Independent utility: A test to determine what constitutes a single and complete nonlinear 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.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Nature-based solutions: Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329. Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the RGPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds. Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year round during a typical year.

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

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. 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 a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit. Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms.

Preservation does not result in a gain of aquatic resource area or functions. Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource.

Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

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

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

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

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

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 United States (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 purposes of RGP authorization. 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 definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an RGP authorization.

Special Aquatic Sites (SAS): means wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, sanctuaries, and refuges as defined at 40 CFR 230.40 through 230.45 and 33 CFR 330.2.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment. Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff. Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock, inorganic particles that range in size from clay to boulders. The substrate may also be comprised, in part, of organic matter, such as large or small wood fragments, leaves, algae, and other organic materials. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

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 jurisdictional stream remains a water of the United States.

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.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the

gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.
Vegetated shallows:

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the RGPs, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

Appendix C

Site Photographs

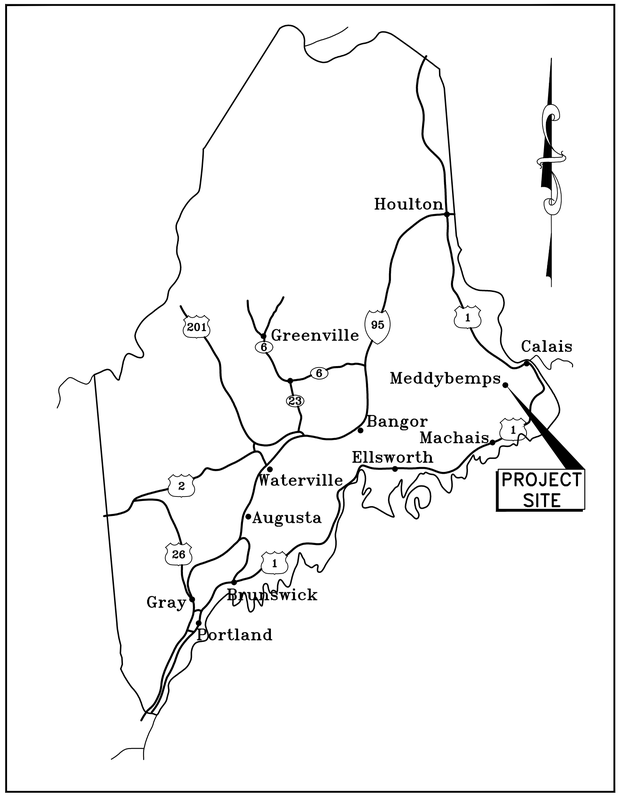
CONSTRUCTION DRAWINGS

BGS NO. 3393

MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS

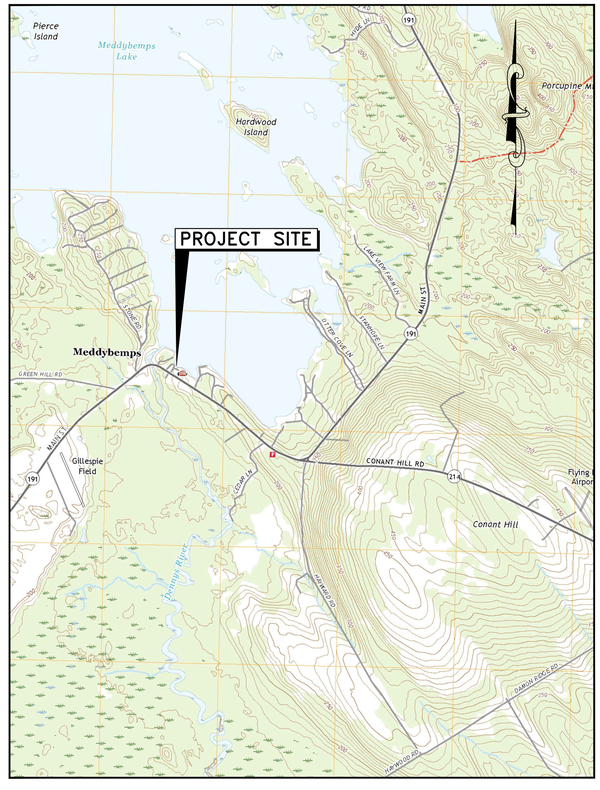
MEDDYBEMPS, MAINE

PINE TREE ENGINEERING, INC.
53 Front Street
Bath, Maine 04530



LOCATION MAP
SCALE: 1"=33± MILES

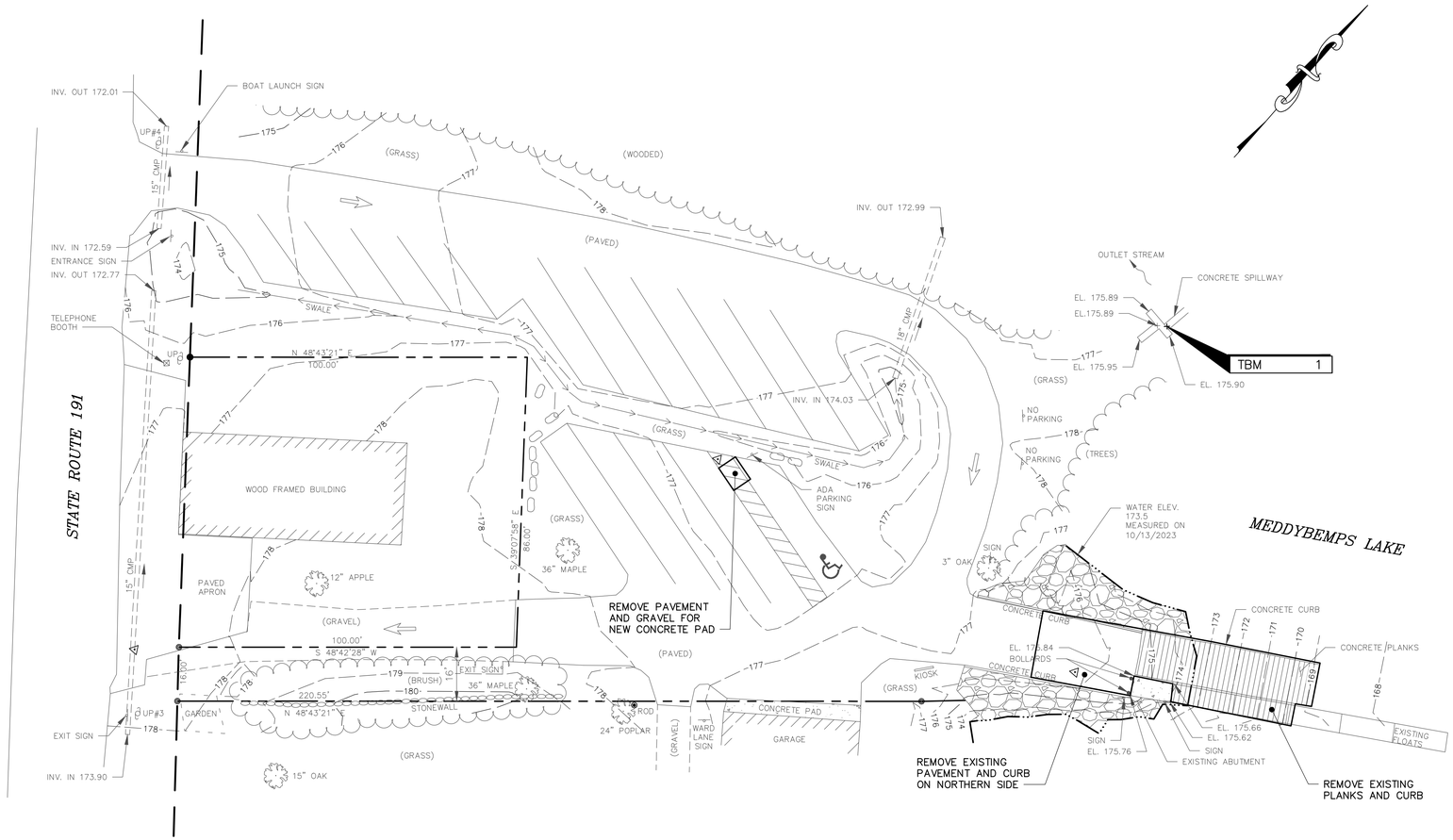
DRAWING INDEX



AREA MAP
SCALE: 1"=2000±

LEGEND

EXISTING	DESCRIPTION
	APPROX. RIGHT–OF–WAY
	PROPERTY LINE
	NORMAL HIGH WATER
	EDGE OF PAVEMENT
	EDGE OF GRAVEL
200	CONTOUR (5')
199	CONTOUR (1')
	CURB
	STONEWALL
	DITCHLINE
	TREELINE
	GARDEN
	CULVERT
	SURVEY CONTROL POINT
	PROPERTY PIN
	UTILITY POLE
	BOLLARD
	SIGN
	BOULDER
	TREES
	RIPRAP
	BUILDING
	CONCRETE
	BOAT LAUNCH PLANKS



EXISTING CONDITIONS PLAN

SCALE: 1" = 20'

SURVEY NOTES:

1.) X,Y, AND X COORDINATES ARE BASED UPON AN ASSUMED DATUM.

2.) ELEVATIONS ARE BASED UPON THE PROJECT BENCHMARK SHOWN ON "PHASE II IMPROVEMENTS SITE PLAN" DATED 01/09/01 PREPARED BY KLEINSCHMIDT ENERGY & WATER RESOURCE CONSULTANTS.

3.) THE TOPOGRAPHIC SURVEY WAS COMPLETED BY PIONEER SURVEYING & MAPPING SERVICES ON OCTOBER 13, 2023.

TEMPORARY BENCHMARKS:

TBM–1
TOP OF CONCRETE SPILLWAY
ELEV. 174.90

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)

REV	DATE	STATUS	BY	CHKD	APPD
0	2/23/2026	ISSUED FOR BIDDING	JET	RLP	RLP

ROBERT L. PRUE, JR No. 6092 — LICENSED PROFESSIONAL ENGINEER — STATE OF MAINE

DESIGNED BY:	RLP
DRAWN BY:	DB/JET
CHECKED BY:	RLP
APPROVED BY:	RLP
DATE:	2/23/2026

Pine Tree Engineering
Civil/Environmental Engineering • Surveying
53 Front Street
Bath, Maine 04530
Tel: (207) 443–1508
Fax: (207) 442–7029

CLIENT
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
18 ELKINS LANE
AUGUSTA, MAINE 04330

PROJECT
MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS

TITLE
EXISTING CONDITIONS AND DEMO PLAN

SCALE	AS SHOWN
PROJECT NO.	21020
DRAWING NO.	21020 exbase
SHT.	2 of 5
REV.	0

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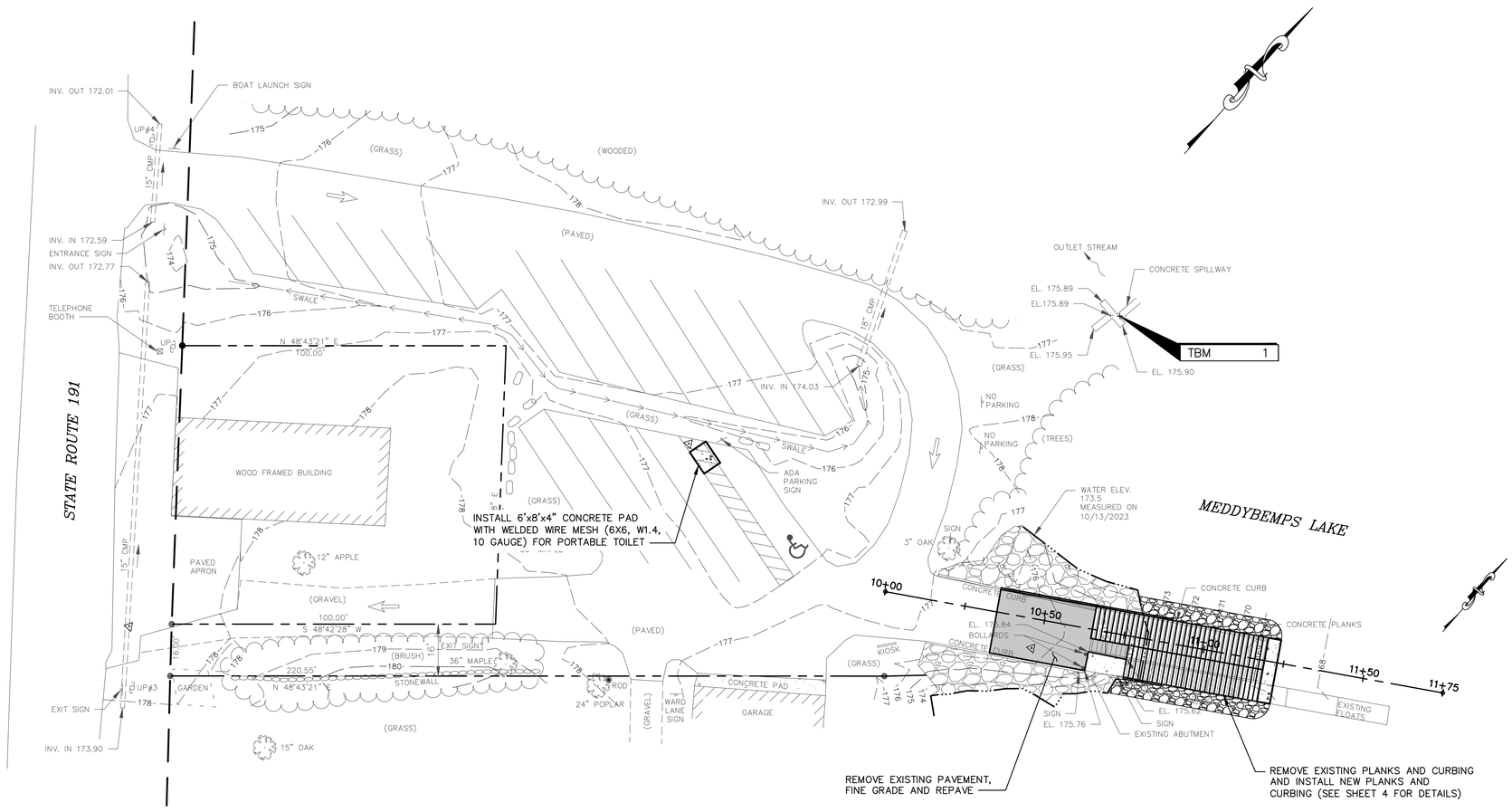
02/23/26 9:10am

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	APPROX. RIGHT-OF-WAY	
	PROPERTY LINE	
	NORMAL HIGH WATER	
	EDGE OF PAVEMENT	
	EDGE OF GRAVEL	
200	CONTOUR (5')	
199	CONTOUR (1')	
	CURB	
	STONEWALL	
	DITCHLINE	
	TREELINE	
	GARDEN	
	CULVERT	
	SURVEY CONTROL POINT	
	PROPERTY PIN	
	UTILITY POLE	
	BOLLARD	
	SIGN	
	BOULDER	
	TREES	
	RIPRAP	
	BUILDING	
	CONCRETE	
	BOAT LAUNCH PLANKS	



PROPOSED SITE PLAN

SCALE: 1" = 20'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)

REV	DATE	STATUS	BY	CHKD	APPD
0	2/23/2026	ISSUED FOR BIDDING	JET	RLP	RLP

STATE OF MAINE — ROBERT L. PRUE, JR No. 6092 — LICENSED PROFESSIONAL ENGINEER

DESIGNED BY:	RLP
DRAWN BY:	DB/JET
CHECKED BY:	RLP
APPROVED BY:	RLP
DATE:	2/23/2026

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CLIENT
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
18 ELKINS LANE
AUGUSTA, MAINE 04330

PROJECT
MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS

TITLE
PROPOSED SITE PLAN

SCALE: AS SHOWN
PROJECT NO.: 21020
DRAWING NO.: 21020 site
SHT. 3 of 5
REV. 0

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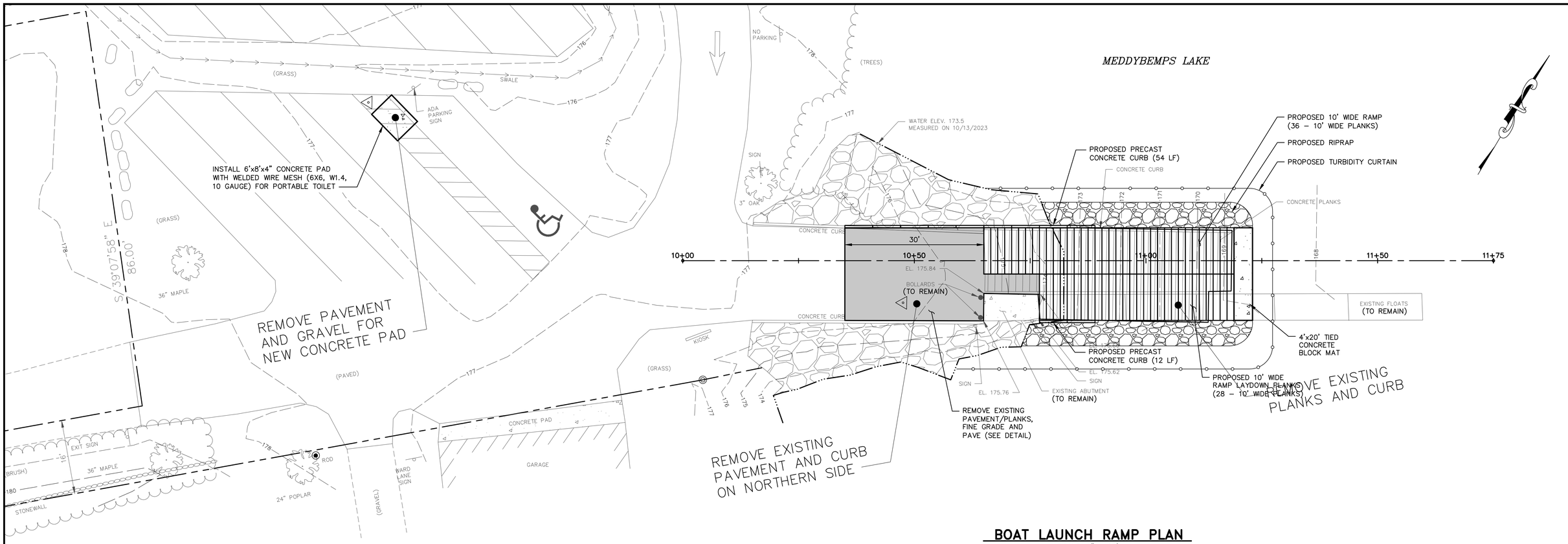
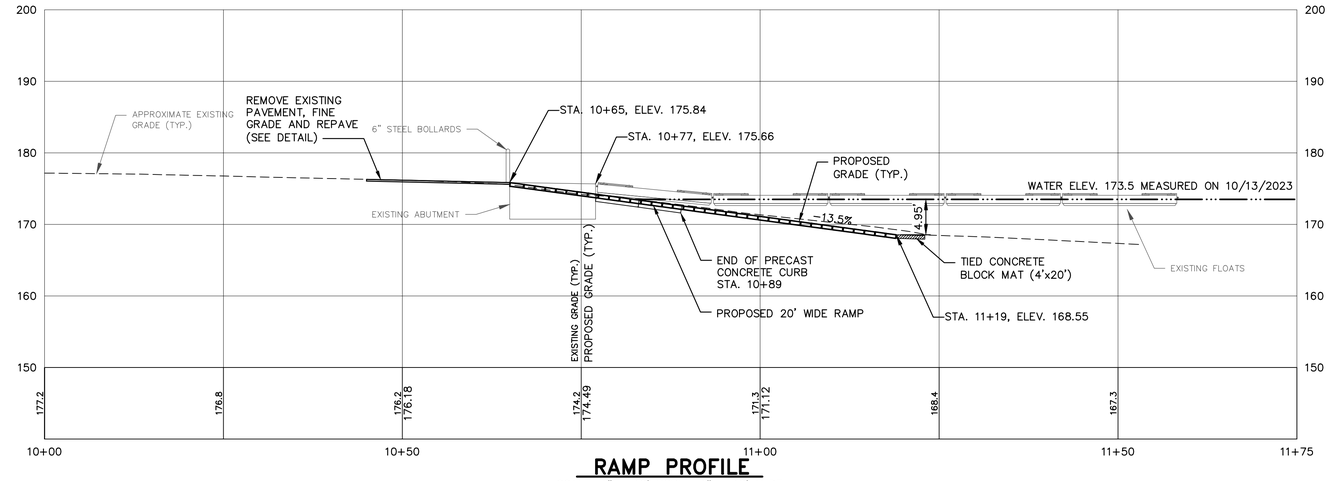
02/23/26 9:10am



BOAT LAUNCH RAMP PLAN

SCALE: 1" = 10'



RAMP PROFILE

SCALE: 1" = 10' HORIZ., 1" = 10' VERT.

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)

REV	DATE	STATUS	BY	CHKD	APPD
0	2/23/2026	ISSUED FOR BIDDING	JET	RLP	RLP

STATE OF MAINE — ROBERT L. PRUE, JR No. 6092 — LICENSED PROFESSIONAL ENGINEER

DESIGNED BY:	RLP
DRAWN BY:	DB/JET
CHECKED BY:	RLP
APPROVED BY:	RLP
DATE:	2/23/2026

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CLIENT
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
18 ELKINS LANE
AUGUSTA, MAINE 04330

PROJECT
MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS

TITLE
BOAT LAUNCH RAMP
PLAN AND PROFILE

SCALE	AS SHOWN
PROJECT NO.	21020
DRAWING NO.	21020 site
SHT.	4 of 5
REV.	0

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02/23/26 9:10am

NOTES:

EROSION AND SEDIMENTATION CONTROL PLAN

CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE MAINE EROSION AND SEDIMENTATION CONTROL (MESC) BMPS, MARCH 2016. ALL EROSION AND SEDIMENTATION CONTROLS MUST BE INSPECTED BEFORE AND AFTER ANY PREDICTED STORM EVENTS, AND, AT A MINIMUM, ONCE PER WEEK. VEGETATED AREAS WILL NOT BE CONSIDERED PERMANENTLY STABILIZED UNTIL A 90% COVER OF HEALTHY VEGETATION HAS BEEN ACHIEVED.

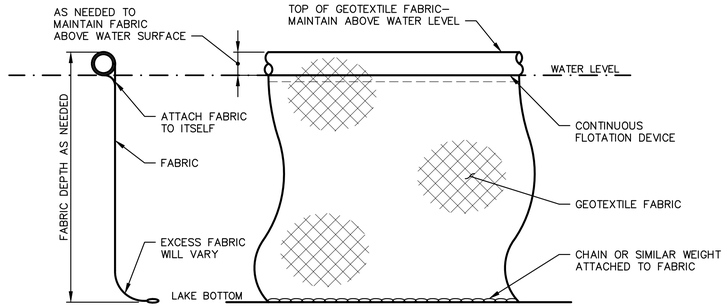
CONSTRUCTION SEQUENCE

1. INSTALL TEMPORARY EROSION CONTROL DEVICES (SUCH AS SILT FENCE, TURBIDITY CURTAIN OR APPROVED EQUAL DEVICE) BEYOND THE CLEARING LIMITS, BUT NOT ACROSS CHANNELS AND STREAMS. IN ALL AREAS THE EROSION CONTROL DEVICE SHALL BE INSTALLED ALONG THE CONTOUR OF THE LAND WITH ENDS DIRECTED UPHILL.
2. INSTALL EROSION CONTROL MAT OR STONE DITCH PROTECTION IN ANY AREAS OF CONCENTRATED RUNOFF (DITCH LINES).
3. PERMANENT STABILIZATION IS REQUIRED ON ALL AREAS THAT WILL NOT BE WORKED FOR ONE YEAR. THESE AREAS TO BE PERMANENTLY STABILIZED WITHIN 7 DAYS BY SEEDING AND MULCHING.
4. UPON COMPLETION OF SIDESLOPE SHAPING, INSTALL TOPSOIL, SEED, FERTILIZER, AND MULCH AS FOLLOWS:

TOPSOIL:	INSTALL 3" OF TOPSOIL ON ALL AREA TO BE RE-VEGETATED
PERMANENT SEEDING:	MAY 15 – JUNE 20, AUGUST 15 – SEPTEMBER 30
SEEDING:	42 LBS./ACRE CREEPING RED FESCUE 20 LBS./ACRE RED TOP 2 LBS./ACRE TALL FESCUE 20 LBS./ACRE
FERTILIZER AND LIME:	APPLY FERTILIZER AND LIME ACCORDING TO SOIL TESTS PER MAINE SOIL TESTING LAB. SOIL TESTING KITS ARE AVAILABLE AT UNIVERSITY OF MAINE COOPERATIVE EXTENSION OFFICE.
MULCH:	1.5 TONS./ACRE (2 BALES PER 1,000 SF)
DORMANT SEEDING (AFTER FIRST KILLING FROST):	TRIPLE SEEDING RATE

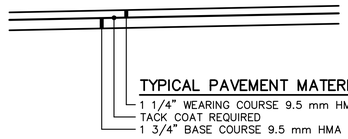
5. TEMPORARY STABILIZATION BETWEEN APRIL 15 AND NOVEMBER 1 SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING TIME FRAMES:
   A. AREAS WITHIN 75' OF SENSITIVE AREAS AND WETLANDS – WITHIN 48 HOURS OF THE INITIAL DISTURBANCE, PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
   B. ALL OTHER AREAS – WITHIN 7 DAYS OF DISTURBANCE SEE SECTION A-1 TEMPORARY MULCHING AND SECTION A-2 TEMPORARY MULCHING OF THE MESC BMPS.
6. IF THE CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, THE GRAVEL ROAD BASE, 75% MATURE VEGETATION COVER, OR RIPRAP BY NOVEMBER 15, THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. THE WINTER CONSTRUCTION PERIOD IS FROM NOVEMBER 1 THROUGH APRIL 15.
   A. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN ONE ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS TO OCCUR DURING THE FOLLOWING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT.
   B. DURING WINTER CONSTRUCTION A DOUBLE ROW OF SEDIMENT BARRIERS WILL BE PLACED BETWEEN A NATURAL RESOURCE AND THE DISTURBED AREA.
   C. DURING FROZEN CONDITIONS SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIXED BERMS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS, AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.
   D. ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 POUNDS PER 1,000 SQUARE FEET, OR 3 TONS PER ACRE (TWICE THE NORMAL ACCEPTED RATE). THIS SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4-INCH THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. SNOW SHALL BE REMOVED DOWN TO A 1-INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA WILL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, ASPHALT EMULSION CHEMICAL, TRACKING, OR WOOD CELLULOSE FIBER. MULCH AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORK DAY.
   E. STOCKPILES OF SOIL WILL BE MULCHED FOR OVER-WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE, OR WITH A 4-INCH LAYER OF EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STOCKING AND REESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. STOCKPILES ARE NOT ALLOWED WITHIN 100 FEET OF ANY NATURAL RESOURCE.
   F. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1 LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE-FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1 AND IF THE EXPOSED AREA HAS BEEN LOAMED AND FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT-SEEDED AT A RATE OF THREE TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED, AND THEN MULCHED. ALL AREAS SEEDED DURING THE WINTER WILL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 75%) SHALL BE RE-VEGETATED BY REPLACING LOAM, SEED, AND MULCH.
7. ALL STONE LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15. ALL GRASS LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY SEPTEMBER 1. IF A DITCH OR CHANNEL IS NOT GRASS LINED BY SEPTEMBER 1, THEN ONE OF THE FOLLOWING ACTIONS MUST BE TAKEN TO STABILIZE THE DITCH FOR LATE FALL AND WINTER: INSTALL A SOD LINING IN THE DITCH OR INSTALL STONE LINING IN THE DITCH.
8. ALL STONE COVERED SLOPES MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15 AND ALL SLOPES TO BE VEGETATED MUST BE SEEDED AND MULCHED BY SEPTEMBER 1. AREAS EXCEEDING 15% IN GRADE ARE CONSIDERED TO BE SLOPES. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1, THEN THE SOIL SHALL BE STABILIZED WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS, STABILIZED WITH SOD, STABILIZED WITH EROSION CONTROL MIX, OR STABILIZED WITH STONE RIPRAP.
9. BY SEPTEMBER 15 ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% MUST BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN ONE OF THE FOLLOWING ACTIONS MUST BE TAKEN TO STABILIZE THE SOIL FOR THE LATE FALL AND WINTER: THE SOIL SHALL BE STABILIZED WITH TEMPORARY VEGETATION, SOD, OR MULCH AS FOLLOWS:

   STABILIZE THE SOIL WITH TEMPORARY VEGETATION – BY OCTOBER 1, SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3 POUNDS PER 1000 SQUARE FEET, LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 POUNDS PER 1000 SQUARE FEET, AND ANCHOR THE MULCH WITH PLASTIC NETTING. MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST 3 INCHES OR FAILS TO COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 1, THEN MULCH THE AREA FOR OVER-WINTER PROTECTION AS DESCRIBED BELOW.
   STABILIZE THE SOIL WITH SOD – STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1. PROPER INSTALLATION INCLUDES THE PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
   STABILIZE THE SOIL WITH MULCH – BY NOVEMBER 15, MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 POUNDS PER 1000 SQUARE FEET ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. IMMEDIATELY AFTER APPLYING THE MULCH, ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.
10. MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AFTER EACH RAINFALL, SNOWSTORM, OR PERIOD OF THAWING AND RUNOFF, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO ENSURE THEIR CONTINUOUS FUNCTION. REPAIR ANY DAMAGES AND/OR BARE SPOTS.
11. MAINTAIN EROSION CONTROL DEVICES, PARTICULARLY MULCH, UNTIL PERMANENT VEGETATION IS ESTABLISHED.
12. REMOVE TEMPORARY SEDIMENT CONTROL MEASURES, SUCH AS SILT FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE.



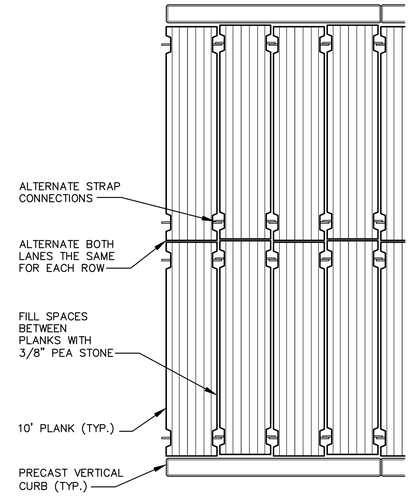
WATER SILT BARRIER (AKA TURBIDITY CURTAIN) TYP. SUSPENDED INSTALLATION

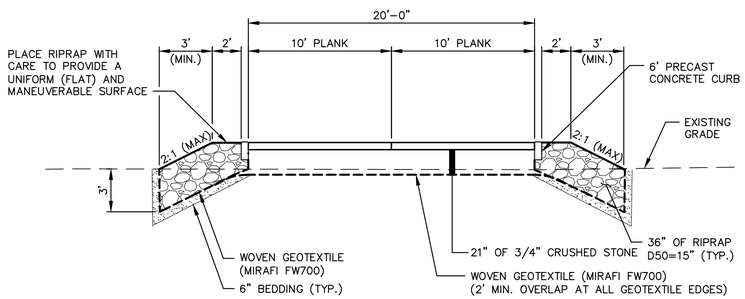
NOT TO SCALE

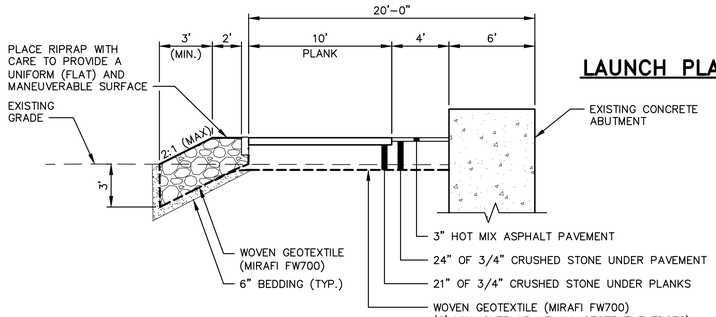


PAVED AREAS

SCALE: 1" = 1'–0"







LAUNCH PLANK INSTALLATION DETAIL

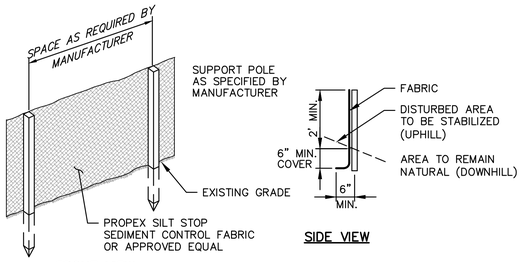
SCALE: N.T.S.

TYP. CONCRETE RAMP SECTION WITH GROUNDOUT PLANKS

SCALE: 1" = 5'–0"

TYP. CONCRETE RAMP SECTION AT ABUTMENT

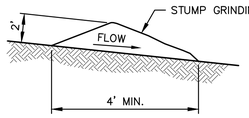
SCALE: 1" = 5'–0"



SILT FENCE DETAIL

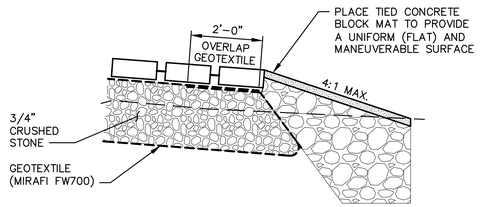
SCALE: N.T.S.

NOTE:
AN EROSION CONTROL MIX BERM MAY BE USED IN LIEU OF SILT FENCE



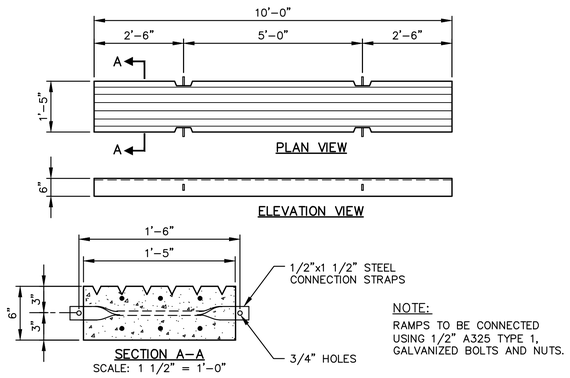
EROSION CONTROL MIX BERM DETAIL

SCALE: N.T.S.



TYPICAL RAMP END SECTION

SCALE: 1/2" = 1'–0"



NOTE:
RAMPS TO BE CONNECTED USING 1/2" A325 TYPE 1, GALVANIZED BOLTS AND NUTS.

CONCRETE BOAT LAUNCH PLANKS 10'

SCALE: 1/2" = 1'–0"

REV	DATE	STATUS	BY	CHKD	APPD
0	2/23/2026	ISSUED FOR BIDDING	JET	RLP	RLP

STATE OF MAINE – ROBERT L. PRUE, JR No. 6092 – LICENSED PROFESSIONAL ENGINEER

DESIGNED BY:	RLP
DRAWN BY:	DB/JET
CHECKED BY:	RLP
APPROVED BY:	RLP
DATE:	2/23/2026

Pine Tree Engineering
Civil/Environmental Engineering • Surveying
53 Front Street
Bath, Maine 04530
Tel: (207) 443-1508
Fax: (207) 442-7029

CLIENT
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
18 ELKINS LANE
AUGUSTA, MAINE 04330

PROJECT
MEDDYBEMPS LAKE
BOATING FACILITY RENOVATIONS

TITLE
DETAILS

SCALE: AS SHOWN
PROJECT NO.: 21020
DRAWING NO.: 21020 BL DETAILS
SHT. 5 of 5
REV. 0

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02/23/26 9:10am