DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

June 12, 2025

Regulatory Division
File No. NAE-2025-00485

Ms. Erin Wilson
Federal Consistency Coordinator
Maine Coastal Program
Department of Marine Resources
21 State House Station
Augusta ME, 04333-0021
Sent via email: Erin.Wilson@maine.gov

Dear Ms. Wilson:

The New England District, U.S. Army Corps of Engineers (Corps) proposes to issue state-wide Department of Army General Permits for Maine (ME GPs), as defined in 33 CFR Part 325.5(c)(1). The proposed ME GPs consist of thirty-seven (37) regional general permits (RGPs), including thirty-four (34) that are comparable to the current 2021 Nationwide Permits (NWPs) and proposed 2026 NWPs. These will replace the current twenty-three (23) ME GPs, which expire on October 14, 2025. The proposed ME GPs will take effect on October 15, 2025, and will continue to streamline the review of regulated activities under Corps jurisdiction pursuant to Section 404 of the Clean Water Act (see 33 CFR Part 323) and Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR Part 322) within waters of the United States in Maine. A public notice was posted (located on the Corps website: (https://www.nae.usace.army.mil/Missions/Regulatory/PublicNotices/Article/4215319/proposed-issuance-of-the-department-of-the-army-maine-general-permits) soliciting comments on the ME GPs issuance on June 12, 2025.

In accordance with Section 307(c) of the Coastal Zone Management (CZM) Act of 1972, each Federal agency activity within or outside a state's coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. The Corps has determined that the proposed ME GPs are consistent, to the maximum extent practicable, with the approved State of Maine CZM Program. Attached is necessary data and the proposed ME GPs to support the above statement to the State CZM Program.

To ensure the ME GPs are consistent with the State of Maine's CZM program an applicant shall comply with the general conditions of the Regional General Permits. In Section II of the RGPs it states: "To qualify under these GPs, the design, construction,

and maintenance associated with each proposed activity shall meet the terms and eligibility criteria listed in Section III of the GPs and all applicable general conditions (GCs) in Section IV." General Condition 26 "Coastal Zone Management" states each activity has to comply with all conditions in a coastal zone management consistency or if there is no concurrence for each RGP an individual state coastal zone management concurrence shall be obtained by the applicant (33 CFR 330.4(d)).

At this time, we are asking that you begin your review and approval process. In accordance with 15 CFR 930.36(b), please provide your concurrence or objection to the New England District's – Maine Section within 60 days. If you do not reach a final position on CZMA consistency before the end of the 60-day period, we will presume consistency concurrence in accordance with 15 CFR 930.41(a). Any extension of review time shall follow 15 CFR 930.41(b).

In accordance with the Corps' regulations at 33 CFR 330.4(d), if you object with the Corps' CZMA consistency determination for certain activities authorized by the proposed RGPs, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must obtain an activity-specific CZMA consistency concurrence or a presumption of concurrence. Upon concurrence by the state, or a presumption of concurrence, the activity would be authorized by the RGP.

Thank you for your attention regarding this matter. The Corps looks forward to working with Department of Marine Resources throughout the CZM process for the proposed RGPs. If you have any questions regarding this request, please feel free to contact Ms. Amanda L. Sayles at 978-318-8486 or amanda.l.sayles@usace.army.mil.

Sincerely,

Peter D. Olmstead

Peter Olmstead
Chief, Maine Section
Regulatory Division

Enclosures:
Public Notice
Proposed ME GPs
Past RGPs use and impacts

CC:
Department of Marine Resources. dmrcoastalprogram_fc@maine.gov
Ms. Heidi Leighton. Maine Department of Marine Resources. heidi.leighton@maine.gov

General Permit No.: NAE-2025-00485 Final Effective Date: October 15, 2025
Applicant: General Public, State of Maine Expiration Date: October 15, 2030

Department of the Army
General Permits for the State of Maine

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues thirty-seven (37) regional general permits (GPs) 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 GPs (hereafter referred to as the ME GP or GP) are issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)].

GPs 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 will likely be phased into use in New England District (NAE), including Maine Section. To ensure General Permit coverage, between October (expiration of existing Maine General Permits NAE-2019-02771) to March (when the NWPs will be issued), the below Regional General Permits (RGPs) will be used. Each GP has been numbered to match 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 and RGPs 1-60. The RGPs that have letters (A-C) will likely continue as New England District RGPs (post March 2026) as these activities are not covered under any 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.

SECTION I. STATUTORY AUTHORITES 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 "*Agency & Partners Contact Directory"*, which can be found on the Corps website (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

SECTION II. RGP PROCEDURES

To qualify under these GPs, the design, construction, maintenance, and use associated with each proposed activity shall meet the terms and eligibility criteria listed in Section III of the GPs and all applicable general conditions (GCs) in Section IV. Applicants should first review the GPs to see if a project is eligible for verification under one or more of the GPs within this document. For activities authorized by GPs 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 GP, any applicable GCs, and applicable State Water Quality Certification (WQC) and Coastal Zone Management Act consistency conditions found on Corps website at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/). Activities that do not meet criteria of these GPs will require an Individual Permit (IP). Refer to "*Local Procedures For Submission of an Application"* for guidance on the permitting process, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

SECTION III. MAINE GENERAL PERMITS

Applicants shall review all Sections of the GPs 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 GPs.

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 and Marine Railways

B. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock and Debris Removal and Rock Relocation

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

GP 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).

GP 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 GP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This GP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This GP 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 GP 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 GP 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 GP does not authorize maintenance dredging for the primary purpose of navigation. This GP does not authorize beach restoration. This GP does not authorize new stream channelization or stream relocation projects.

Pre-construction notification required if:

Activities authorized by paragraph (b) of this GP, 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 GP 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: Maintenance activities conducted under this GP involving the replacement of stream crossings must comply with the "Stream Crossing Best Management Practices (BMPs)" unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP 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.

GP 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.

GP 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 GP, 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 GP 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 GP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this GP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this GP. The GP 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.

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

GP 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.

GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP. 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 GP 15).

Note 5: This GP 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 GP 12 activities that require pre-construction notification (PCN), the PCN must include any other GP(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 D, "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.

Note 9: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP 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 GP authorizes those maintenance and repair activities if they require authorization. This GP 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 GP 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 shall be no steeper than a 2:1 width to height ratio where applicable.

Note 4: The least environmentally damaging practicable bank stabilization design and methods shall be utilized. The permittee should submit photographs documenting the erosion that has occurred with their pre-construction notification.

GP 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 GP 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 GP 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 GP 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 GP 14 activities that require pre-construction notification, the PCN must include any other GP(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 D, "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 this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP and will require a separate Clean Water Act Section 404 permit.

GP 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.)
Note: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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).

GP 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 GP 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.

GP 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 GP 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 GP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises.

GP 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 GP, 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP. 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 GP 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 GP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this GP 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 GP requires a pre-construction notification because of a GP general condition (e.g., GP 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: In certain cases involving higher risk or larger scale activities, the Corps may require post-construction monitoring for success and/or the development of an adaptive management plan. In these cases, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. Permittees are strongly encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA to determine if an adaptive management plan and/or monitoring will be required to ensure there is a net benefit to the aquatic environment.

Note 4: The Corps will determine if a pre-construction notification is required and notify the permittee within 30 days of receiving their report including items 1-6 as required above, unless otherwise determined through the early coordination and/or pre-application consultation described in Note 3 above.

Note 5: Except for the relocation of non-tidal waters to historic conditions on the project site, this GP does not authorize the conversion of a natural stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands, unless waived by the District Engineer.

GP 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 GP 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 GP 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 GP 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.

Note 2: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this GP activity, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

Note 3: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

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/state-general-permits/maine-general-permit/).

GP 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 GP 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.

Note: Construction mats or temporary fills that are left in place longer than one growing season may require mitigation to offset temporal loss of aquatic functions and will require a pre-construction notification (See general conditions 23 and 33(d)).

GP 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 GP. This GP 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.

GP 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 GP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This GP 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 GP 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.

Note 3: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this GP activity, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

Note 4: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

Note 5: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations"*, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

GP 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 GP 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 GP does not authorize stream channelization or stream relocation projects.

GP 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 GP 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 GP 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 GP 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: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP 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 GP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This GP 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.

Note: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 45. Repair of Uplands Damaged by Discrete Events (Authority: Sections 10 and 404):

This GP 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 GP 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 GP. 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 GP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This GP 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 GP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

GP 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 GP 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 GP 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.)

GP 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 GP, 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 GP 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 GP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This GP 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 GP 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, refer to Corps' Maine Aquaculture Programmatic General Permit[1] (NAE-2025-00426), which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

[1] The Corps' Marine Aquaculture Programmatic General Permit is proposed and has not been issued for use at this time.

GP 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 GP 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 GP 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 GP 57 and/or GP 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 GP 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.

Note 5: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this GP activity, which can be found on the Corps

webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

Note 6: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

Note 7: 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/state-general-permits/maine-general-permit/).

GP 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 GP, 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 GP 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 GP, 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 GP 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 GP 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 GP 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.

Note 8: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps

webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP, 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 GP. 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 GP 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. Nationwide permit 27 or other Department of the Army permits may authorize such activities. This GP 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 GP 13 or other Department of the Army permits.

GP 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 GP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions. This GP 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 GP 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 GP 13.

Note 2: In certain cases involving higher risk or larger scale activities, the Corps may require post-construction monitoring for success and/or the development of an adaptive management plan. In these cases, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. Permittees are strongly encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA to determine if an adaptive management plan and/or monitoring will be required to ensure there no more than minimal adverse environmental effects.

GP 55. Seaweed Mariculture Activities (Sections 10 and 404):

Structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities. This GP 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 GP 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 GP 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 if:

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 GP 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 GP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this GP.

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 4: Projects less than or equal to 5 acres in size, refer to Corps' Aquaculture Maine Programmatic Agreement[2] (NAE-2025-00426), which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/

[2] The Corps' Marine Aquaculture Programmatic General Permit is proposed and has not been issued for use at this time.

GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP. 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 GP 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 GP, a copy of the pre-construction notification and GP 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 GP(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 D, "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.

Note 9: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices*

(BMPs)" unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP 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 GP. 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 GP 15).

Note 5: This GP 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 GP(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 D, "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.

Note 8: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps

webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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 GP 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 GP does not authorize dam removal activities.

Pre-construction notification required:

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.)

Note: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

GP 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) 0.045 acre (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.

GP 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 GP, 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 GP, 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 GP, 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 GP activity, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/Missions/Regulatory/Dredged-Material-Program/).

GP 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; 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.

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. Additional Pre-Construction Notification Requirements
34. Essential Fish Habitat
35. Invasive Species
36. Emergency Procedures
37. General Permit Documentation On-Site
38. Abandonment
39. 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) U.S. Coast Guard Navigation Risk Assessment (NRA):

Applicants proposing new aquaculture operations or modifications of existing aquaculture operations are required to coordinate with the appropriate U.S. Coast Guard (USCG) Sector for siting review, Navigation Risk Assessment (NRA), and navigation risk mitigation needs. The USCG can be reached for questions and review through the appropriate points of contacts listed below.

Only actual Aids to Navigation (AtoN) are permitted by USCG; floats, balls, markers, mooring balls, and “high flier flags” are not considered AtoN. Safety lights and signals required by the USCG shall be installed and maintained at the authorized facilities. The USCG can be reached through its Private AtoN application site, http://www.usharbormaster.com or steven.r.pothier@uscg.mil, U.S. Coast Guard, Waterways Management Branch, First Coast Guard District (dpw), 408 Atlantic Avenue, Boston, Massachusetts 02110 or (617) 823-3947.

For marine safety information/charting, activities owners should use the First District’s Marine Safety Information form available at the following address: https://www.navcen.uscg.gov/sites/default/files/pdf/lnms/LNM_Information_Form.pdf. The form should be emailed to D01-SMB-LNM@uscg.mil. The USCG can help make the determination on potential charting needs and support the applicant and state permitters to chart potential hazards with NOAA either directly or through the USCG’s Local Notice to Mariners (LNM).

If a pre-construction notification is required, applicants shall include documentation of all required coordination with their pre-construction notification.

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: Activities conducted under these GPs involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

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: If a proposed activity would result in excess turbidity and located within 100 feet of Maine Department of Marine Resource shellfish areas, a pre-construction notification is required. Reference material can be found at: https://dmr-maine.opendata.arcgis.com/datasets/mainedmr-molluscan-shellfish-2010/explore?location=43.733484%2C-69.767928%2C10.43.

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 bank 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 to maintain ecological & hydrological connectivity and prevent excessive ponding or drying on either side of the authorized work.

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).

Note: Activities conducted under this GP involving the replacement or installation of new stream crossings must comply with the "*Stream Crossing Best Management Practices (BMPs)"* unless waived by the District Engineer. These BMPs can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. If BMPs cannot be fully met, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

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: Construction mats should be managed in accordance with "*Construction Mat BMPs*", which can be found on the Corps webpage (i.e. www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit).

Note 2: Construction mats or temporary fills that are left in place longer than one growing season may require mitigation to offset temporal loss of aquatic functions and will require a pre-construction notification (See general conditions 23 and 33(d)).

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: The discharge of dredged or fill material shall be completed in the dry and/ or be isolated with temporary fills to divert flows away from the project site (i.e. cofferdams, sandbags, flume pipes, etc.). A pre-construction notification and waiver will be required if the above cannot be met.

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: Construction mats or temporary fills that are left in place longer than one growing season may require mitigation to offset temporal loss of aquatic functions and will require a pre-construction notification (See general conditions 23 and 33(d)).

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.

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/.

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.

Note: To comply with the above GC, refer to the "*Local Procedures for Historic Properties & Tribal Rights",* which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/

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 (i.e. www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit).

(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 world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

(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.

Note: To comply with the above GC, refer to the “*Local Procedures for Federal Threatened and Endangered Species”,* which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

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 (i.e. www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit).

(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 the above GC, refer to the "*Local Procedures for Historic Properties & Tribal Rights",* which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/

21. Discovery of Previously Unknown Remains and Artifacts.

Permittees that discover any previously unknown historic, cultural or archeological 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 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.

(j) Compensatory Mitigation for unavoidable impacts to waters of the U.S. will be required in accordance with the "*New England District Compensatory Mitigation Standard Operating Procedures"* (April 26, 2024) and any superseding versions thereof, which can be found on the Corps webpage at: https://www.nae.Corps.army.mil/Missions/Regulatory/Mitigation/.

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.

The Maine DEP and EPA (on behalf of the Houlton Band of Maliseet Indians, the Micmac Nation, the Passamaquoddy Tribe, and Penobscot Nation) (*has*)[3] granted a general WQC for all activities authorized under these GPs provided those activities meet the criteria as contained in these GPs, general conditions and the water quality certification. The Maine Department of Environmental Protection (DEP) has determined that any project that qualifies for these GPs is consistent with the Maine DEP and does not require additional WQC Federal consistency review.

26. <u>Coastal Zone Management.</u>

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.

The Maine Coastal Program (*has*)[4] granted a general coastal zone management consistency concurrence for all activities authorized under these GPs provided those activities meet the criteria as contained in these GPs, general conditions and conditions of the consistency determination. Any project that qualifies for these GPs does not require additional CZMA Federal consistency review.

[3,4] Ongoing coordination is being completed with state agencies & EPA. Concurrence has not been granted at this time.

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)

_____
(Date)

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 "*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/

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 GP 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 GP, 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 GP 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 shall 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.
(b) Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).
(c) The ordinary high water mark shall be delineated when streams are present on the project site. Ordinary high water mark survey guidance can be found at: 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 shall be delineated when present on the project site. Vegetated shallow survey guidance and maps can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).
(e) All Essential Fish Habitat shall be delineated when present on the project site. EFH survey guidance can be found in Appendix F of the 2025 EFH programmatic, which can be found on the Corps webpage (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

(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 GP 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 GP 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) GP 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.
(v) Activities proposed within 100 feet of shellfish areas.

(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. Additional Pre-Construction Notification Requirements:

Activities above permanent loss thresholds located within streams, freshwater/ tidal wetlands, tidal submerged aquatic vegetation, mudflats, and intertidal areas	See GC 33 - a
Activities located within and/ or the vicinity of a Federal Project	See GC 33 - b
Activities located within and/ or the vicinity of a Wild and Scenic River	See GC 33 - c
Some activities involving discharges of temporary fill material	See GC 33 - d
Activities involving blasting	See GC 33 - e
Activities involving living shoreline construction	See GC 33 - f
Activities located within the Saint John and Saint Croix River basins	See GC 33 - g
In Water Work Time of Year Windows and Restrictions	See GC 33 - h
Aquaculture (i.e. GP 48, Commercial Shellfish Mariculture Activities) activities greater than 5 acres	See GC 33 - i
Activities in vernal pools	See GC 33 – j
Additional aquatic resource protection	See GC 33 - k

(a) Additional Pre-Construction Notification Requirement (Specific Resources):

A Pre-Construction Notification is required for any proposed activities which would result in the permanent loss of waters of the U.S. exceeding the listed thresholds below for following aquatic resources:

Aquatic Resource:	**Threshold:**
Freshwater 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 (0.01 acre)
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet (0.0006 acre)
Mudflat	1,000 square feet (0.02 acre)
Intertidal	1,000 square feet (0.02 acre)

(b) Additional Pre-Construction Notification Requirement (Federal Projects):

A Pre-Construction Notification 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 GP 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 (i.e. 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 Pre-Construction Notification is not required if an applicant has previously obtained a Section 408 permission for their activities, and the activities qualify for a non-notifying GP.

(c) Additional Pre-Construction Notification Requirement (Wild and Scenic Rivers):

A Pre-Construction Notification is required under GC 16, Wild and Scenic Rivers, and for: 1) any proposed activities which would be located in and 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.

(d) Additional Pre-Construction Notification Requirement (Temporary Fills):

A Pre-Construction Notification is required for any proposed activities which would involve discharges of temporary fill (33 CFR 323.2(e) and (f)) greater than 0.1 acre to be left in place in non-tidal wetlands for more than one growing season. The growing season is defined as April 1 to September 30.

(e) Additional Pre-Construction Notification Requirement (Blasting):

A Pre-Construction Notification is required for any proposed activities which would involve blasting within waters of the U.S. associated with work such as dredging, trenching, pile installation, etc.

(f) Additional Pre-Construction Notification Requirement (GP 54 Living Shorelines):

A Pre-Construction Notification is required for any proposed activities which would involve maintenance to an existing living shoreline.

(g) Additional Pre-Construction Notification Requirement (Saint John and Saint Croix River basins):

A Pre-Construction Notification 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.

(h) Additional Pre-Construction Notification Requirement (In Water Work Time of Year (TOY) Windows and Restrictions):

Work shall be completed in the dry to the extent possible (see General Condition 12 above: Soil Erosion and Sediment Controls above). The term “in water work” does not include conditions where the work site is “in the dry” (i.e. intertidal areas exposed at low tide stages or work behind cofferdams that are installed in the dry).

In water work (including physical alterations) within non-tidal waters, shall be conducted during the following TOY work windows (see below table) unless approval is obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using this form: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/). If in water work cannot be completed during the TOY work window and no approval from IFW is obtained, then the project requires a Pre-Construction Notification and waiver from the District Engineer.

In water work (including physical alterations) within tidal waters, shall be conducted during the following TOY work windows (see below table) unless approval is obtained from the Maine Department of Marine Resources (DMR) through: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/). If in water work cannot be completed during the TOY work window and no approval from DMR is obtained, then the project requires a Pre-Construction Notification and waiver from the District Engineer.

	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

(i) Additional Pre-Construction Notification Requirement (GP 48, Commercial Shellfish Mariculture Activities):

A Pre-Construction Notification is required for any activities proposed under GP 48 which would install gear for a commercial shellfish operation within a site greater than 5 acres in size.

(j) Additional Pre-Construction Notification Requirement (Vernal pools):

A Pre-Construction Notification is required if a discharge of dredged or fill material is proposed within a vernal pool depression located within waters of the U.S (WOTUS). Please note the State of Maine may regulate vernal pools that the Corps does not.

(k) Additional Pre-Construction Notification Requirement (within State of Maine):

A Pre-Construction Notification 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: (PENDING)

34. Essential Fish Habitat (EFH):

The Magnuson-Stevens Fishery Conservation and Management Act requires federal action agencies to consult with National Marine Fisheries Service (NMFS) for any action, or proposed action, that they authorize, fund or undertake that may adversely affect EFH.

Applicable EFH waters include: a) tidal waters (i.e., below mean high water or the high tide line as applicable); and b) non-tidal streams or waterbodies below the ordinary high water mark that support or historically supported diadromous fish. Reference Appendix E of the 2025 EFH Programmatic and any superseding versions thereof for guidance, which can be found on the Corps website (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/). Adverse effects to EFH may occur directly or indirectly and may include site-specific or habitat-wide effects, including the individual and cumulative consequences of the action.

(a) For activities that do not require a PCN as outlined in each GP, the permittee shall refer to the current EFH Programmatic to ensure additional conservation recommendations (CRs) are not required for their specific project. See Corps website for programmatic (i.e. https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).
(b) A pre-construction notification is required for activities that exceed the habitat-based thresholds that are included in part (a) above.
(c) Activities not requiring a PCN will result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the GP and any CRs in part (a) above as applicable to the activity. The NMFS (*has*)[5] granted general concurrence (50 CFR 600.920(g)) for all activities not requiring a PCN. These activities do not require project-specific EFH consultation.

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

[5] Ongoing coordination is being completed with NFMS. Concurrence has not been granted at this time.

Species") of the *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/). 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. Emergency Provision:

This provision is for temporary emergency measures that are required immediately to stabilize and/ or reopen access, but will be removed, restored or modified at later time. This provision covers structures or work in or affecting navigable waters of the U.S. and the discharge of dredged or fill material into waters of the U.S., including wetlands, necessary for temporary repairs or protection measures associated with an emergency (as defined below). Temporary measures under this provision shall be limited to the minimum necessary to alleviate the immediate emergency and stabilize the situation in safe working order. Measures to eliminate imminent future failure or loss may be permissible.

If using this provision the applicant shall:

(a) Contact the Corps Field Office Chief at least 48 hours in advance before temporary repairs are to be made to obtain approval (enforcement discretion) for use of this provision and receive avoidance and minimization measures that shall be implemented. Interagency coordination may be required at this time.
(b) Submit an as built plan to the Corps within 10 days after the temporary repairs are implemented.
(c) Submit a pre-construction notification for a permanent repair within 6 months of the temporary fill being placed.

An emergency, as determined by the Corps by the use of 33 CFR 325.2(e)(4), is one which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a Department of the Army permit is not undertaken within a time period less than the normal time to process the request under standard processing procedures. See Corps website emergency factsheet for appropriate contacts at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/).

37. General Permit Documentation On-Site:

The permittee shall ensure that a copy of their verification letter (for notifying GPs only) and applicable GP 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.

38. Abandonment:

If the permittee decides to abandon the activity authorized by a GP, 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.

39. 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 GP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by a GP. 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 GP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by a GP 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 GP activity, the type of resource that will be affected by the GP activity, the functions provided by the aquatic resources that will be affected by the GP 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 GP 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 requires 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)).