

## **APPENDIX H**

### **Department of Transportation Permitting**

**-Exit 109 Resources**

**-Exit 112 Resources**

**-Army Corps of Engineers Maine General Permit**



MaineDOT - Property Office  
Augusta - I-95 Exit 109  
Flight: December 2019  
Scale: 1" = 50'

- STREAM
- WETLAND
- NON JURISDICTIONAL DITCH

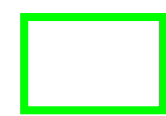


West

East, Middle

East North





WETLAND

MaineDOT - Property Office  
Augusta - I-95 Exit 112  
Flight: May 2020  
Scale: 1" = 40'



**DEPARTMENT OF THE ARMY  
GENERAL PERMIT FOR  
THE STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues a General Permit (GP) for activities subject to Corps jurisdiction in waters of the U.S. within the boundaries of the State of Maine. This GP is issued in accordance with Corps regulations at 33 CFR 320 - 332 [see 33 CFR 325.2(e)(2)]. This GP authorizes activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative adverse environmental impacts. Refer to Page 2 for the list of activities and Appendix A for activity specific conditions of eligibility in inland and tidal waters.

**I. GENERAL CRITERIA**

1. In order for activities to qualify for this GP, they must meet the GP's terms and eligibility criteria (Pages 1-4), General Conditions (GC) (Pages 5 - 20), and Appendix A - Definition of Categories.
2. Under this GP, projects may qualify for the following:
  - Category 1: Category 1 Self-Verification Notification Form is required (SVNF – see Appendix B).
  - Category 2: Application to and written approval from the Corps is required (Pre-Construction Notification (PCN)). No work may proceed until written approval from the Corps is received.

If your project is ineligible for Category 1, it may qualify for Category 2 or an Individual Permit and you must submit an application (see Page 3). The thresholds for activities eligible for Categories 1 and 2 are defined in Appendix A. This GP does not affect the Corps Individual Permit review process or activities exempt from Corps regulation.

3. Prospective permittees need to read:
  - a. Section II to determine if the activity requires Corps authorization.
  - b. Sections III and IV to determine if the activity may be eligible for authorization under this GP, specifically whether it is eligible for Self-Verification (SV) or whether Pre-Construction Notification (PCN) is required.
4. Permittees must ensure compliance with all applicable General Conditions in Section IV. The Corps will consider unauthorized any activity requiring Corps authorization if that activity is under construction or completed and does not comply with all of the terms and conditions.
5. Project proponents are encouraged to contact the Corps with questions at any time. Pre-application meetings (see 33 CFR 325.1(b)), whether arranged by the Corps or requested by permit applicants, are encouraged to facilitate the review of projects. Pre-application meetings and/or site visits can help streamline the permit process by alerting the applicant to potentially time-consuming concerns that are likely to arise during the evaluation of their project (e.g., avoidance, minimization and compensatory mitigation requirements, historic properties, endangered species, essential fish habitat, and dredging contaminated sediments).



## II. CORPS JURISDICTION/ACTIVITIES COVERED

1. Permits are required from the Corps of Engineers for the following work:

a. The construction of any structure in, over or under any navigable water of the United States (U.S.)<sup>1</sup>, the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322;

b. The discharge of dredged or fill material and certain discharges associated with excavation into waters of the U.S. (e.g. sidecasting). The Corps regulates these activities under Section 404 of the Clean Water Act (CWA). See 33 CFR 323; and

c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act. See 33 CFR 324.

2. Related laws:

33 CFR 320.3 includes a list of related laws, including: Section 401 of the CWA, Section 402 of the CWA, Section 307(c) of the Coastal Zone Management (CZM) Act of 1972, The National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Marine Mammal Protection Act of 1972, Magnuson-Stevens Act, and Section 7(a) of the Wild and Scenic Rivers Act.

3. An activity listed below may be authorized by this GP only if that activity and the permittee satisfy all of the GP's terms and conditions. Any activity not specifically listed below may still be eligible for the GP; applicants are advised to contact the Corps for a specific eligibility determination. Category 1 and Category 2 eligibility criteria for each activity in both Inland and Tidal waters can be found in Appendix A.

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

Note: Multiple activities may be authorized in the same GP, e.g. a recreational pier (#3) with an associated mooring (#2) or a windpower facility (#13) with an associated transmission line (#9).

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<sup>1</sup> Defined in Appendix F, Definitions and at 33 CFR 328.



### III. PROCEDURES

1. State Approvals. Applicants are responsible for applying for and obtaining any of the required state or local approvals. Federal and state jurisdictions may differ in some instances. State permits may be required for specific projects regardless of the general permit category.

In order for authorizations under this GP to be valid, when any of the following state approvals or statutorily-required reviews is also required, the approvals must be obtained prior to the commencement of work in Corps jurisdiction.

- Maine Department of Environmental Protection (DEP): Natural Resources Protection Act (NRPA) permit, including permit-by-rule (PBR) and general permit authorizations; Site Location of Development Act permit; Maine Waterway Development and Conservation Act permit; and Maine Hazardous Waste, Septage, and Solid Waste Management Act license.
- Maine Department of Conservation, Agriculture & Forestry: Land Use Planning Commission (LUPC) permit.
- Maine Department of Marine Resources: Aquaculture Leases.
- Maine Department of Conservation, Bureau of Parks and Lands, Submerged Lands: Submerged Lands Lease.

**NOTE: This GP may also be used to authorize projects that are not regulated by the State of Maine (e.g., certain seasonal floats or moorings).**

2. How to Obtain/Apply for Authorization.

a. Category 1 (**Self-Verification**): Self-Verification Notification Form (SVNF) required. The SVNF is required for all SV eligible work in Maine unless otherwise stated in Appendix A. Activities that are eligible for SV are authorized under this GP and may commence without written verification from the Corps provided the prospective permittee has:

i. Confirmed that the activity will meet the terms and conditions of Category 1. Consultation with the Corps and/or other relevant federal and state agencies may be necessary to ensure compliance with the applicable general conditions (GCs) and related federal laws such as the National Historic Preservation Act (see GC 6), the Endangered Species Act (GC 8) and the Wild and Scenic Rivers Act (GC 9). Prospective permittees are encouraged to contact the Corps with SV eligibility questions. Activities not meeting the SV criteria must submit a PCN to the Corps.

ii. Submitted the SVNF (see GC 27 and Appendix B) to the Corps. **NOTE: A copy of a state permit application form may be an acceptable surrogate for the SVNF. Whichever form chosen needs to include a location map, plans, and an Official Species List for federally listed threatened or endangered species (Reference Appendix D).**

b. Category 2 (**Pre-Construction Notification (PCN)**): Application to and written verification from the Corps is required before work can proceed. For activities that do not qualify for SV or where otherwise required by the terms of the GP, the permittee must submit a PCN and obtain a written permit before starting work in Corps jurisdiction.

i. The Corps will coordinate review of all activities requiring PCN with federal and state agencies and federally recognized tribes, as appropriate. To be eligible and subsequently authorized, an activity must result in no more than minimal individual and cumulative effects on the aquatic environment as determined by the Corps in accordance with the criteria listed within this GP. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of a project are no more than minimal.

ii. The Corps will attempt to issue a written eligibility determination within the state's review period. Regardless, work eligible for Category 2 may not proceed before Corps written approval is received.

c. All applicants for Category 2 projects must:



- i. Apply directly to the Corps using the state application form or the Corps application form (ENG Form 4345<sup>2</sup>), and apply directly to the state (DEP, LUPC, BPL or DMR) as applicable using the appropriate state form, if the work is regulated by the Corps and the state; or
- ii. Apply directly to the Corps using the Corps application form (ENG Form 4345<sup>2</sup>) if the work is regulated by the Corps but not the state (DEP, LUPC, BPL or DMR).
- iii. Provide application information (see "Information Typically Required" in Appendix C) to help ensure the application is complete and to speed project review.
- iv. Obtain an Official Species List of federally threatened or endangered species in the project area (GC 8).
- v. Submit a copy of their application materials to the Maine Historic Preservation Commission (MHPC) and all five Indian tribes listed at Appendix E, at the same time, or before, they apply to the Corps, to be reviewed for the presence of historic, archaeological or tribal resources in the permit area that the proposed work may affect. Submittals to the Corps shall include information to indicate that this has been done (a copy of the applicant's cover letter to MHPC and tribes or a copy of the MHPC and tribal response letters is acceptable).

d. Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, may still be eligible for authorization under this GP.

e. **Emergency Situations:** 33 CFR 325.2(e)4 states that an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures." Emergency work is subject to the same terms and conditions of this GP as non-emergency work, and similarly, must qualify for authorization under the GP; otherwise an IP is required. The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

3. Individual Permits. Projects that are not authorized by this GP require an Individual Permit (IP) (33 CFR 325.5) and proponents must submit an application directly to the Corps. This GP does not affect the Corps IP review process or activities exempt from Corps regulation. For general information and application form, see the Corps website or contact the Corps (see Appendix E). The Corps encourages applicants to apply concurrently for a Corps IP and applicable state permits.

The Corps retains discretionary authority on a case-by-case basis to elevate a GP eligible project to an IP based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)]. Whenever the Corps notifies an applicant that an IP is required, no work in Corps jurisdiction may be conducted until the Corps issues the required authorization in writing indicating that work may proceed.

4. Enforcement/Non-Compliance. Work performed without the required Corps of Engineers permits is subject to administrative, civil, and criminal penalties. The Corps will evaluate unauthorized activities for enforcement action under 33 CFR 326.

The Corps will consider unauthorized any activity requiring Corps authorization if that activity is under construction or completed and does not comply with all of the terms and conditions of a GP or an IP. The Corps may elect to suspend enforcement proceedings if the permittee modifies his project to comply with a GP.

After considering whether a violation was knowing or intentional, and other indications of the need for a penalty, the Corps can elect to terminate an enforcement proceeding with an after-the-fact authorization under a GP, if all terms and conditions of the GP have been satisfied, either before or after the activity has been accomplished.

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<sup>2</sup> Located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Forms & Publications."  
Section III



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

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

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Minimal Direct, Secondary, and Cumulative Impacts
4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)
5. Single and Complete Projects
6. Historic Properties
7. Corps Projects and Property
8. Federal Threatened and Endangered Species
9. Wild and Scenic Rivers
10. Navigation
11. Federal Liability
12. Utility Line Installation and Removal
13. Heavy Equipment in Wetlands or Mudflats
14. Temporary Fill
15. Restoration of Special Aquatic Sites (including wetland areas).
16. Soil Erosion, Sediment and Turbidity Controls
17. Time of Year Windows/Restrictions.
18. Aquatic Life Movements & Management of Water Flows
19. Water Quality and Coastal Zone Management
20. Floodplains and Floodways
21. Storage of Seasonal Structures
22. Spawning, Breeding, and Migratory Areas
23. Vernal Pools
24. Invasive and Other Unacceptable Species
25. Programmatic Agreements
26. Permit On-Site
27. Self-Verification Notification Form (SVNF)
28. Inspections
29. Maintenance
30. Property Rights
31. Transfer of GP Verifications
32. Modification, Suspension, and Revocation
33. Special Conditions
34. False or Incomplete Information
35. Abandonment
36. Enforcement Cases
37. Duration of Authorization
38. Previously Authorized Activities
39. Discretionary Authority
40. St. John/St. Croix Rivers.
41. National Lands
42. Essential Fish Habitat (EFH)
43. Work Site Restoration
44. Bank Stabilization
45. Stream Work & Crossings and Wetland Crossings



1. **Other Permits.** Permittees must obtain other federal, state, or local authorizations required by law. Applicants are responsible for applying for and obtaining all required state or local approvals. This includes, but is not limited to, the project proponent obtaining a Flood Hazard Development Permit issued by the town, if necessary. Inquiries may be directed to the municipality or to the Maine Floodplain Management Coordinator at (207) 287-8063. See <http://www.maine.gov/dacf/flood/>

2. **Federal Jurisdictional Boundaries**

a. Applicability of this GP shall be evaluated with reference to federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328 "Waters of the U.S." and 33 CFR 329 "Navigable Waters of the U.S."

NOTE: Waters of the U.S. include the subcategories "navigable waters of the U.S." and "wetlands."

b. For Category 1 projects, proponents are not required to delineate the waters of the U.S. that they plan to impact, but must approximate the square footage of impacts in order to determine the review category (1 or 2 or Individual Permit). For projects filling <15,000 square feet (SF) of waters of the U.S. that do not qualify for Category 1 (e.g., vernal pool, secondary or endangered species impacts, etc.) and therefore require an application to the Corps (PCN), and for those filling ≥15,000 SF, applicants shall delineate all waters of the U.S. that will be filled (direct impacts) in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent regional supplement (see Appendix C). In addition, applicants shall approximately identify all waters of the U.S. on the property and *known* waters adjacent to the property in order for the Corps to evaluate secondary impacts. The waters of the U.S. shall be clearly shown on the project plans submitted with the application. This includes all waters of the U.S. in areas under DEP or LUPC jurisdiction regardless of whether they're shown on LUPC zoning maps.

c. On a case-by-case basis, the Corps may modify/refine the above delineation and identification requirements for waters of the U.S. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Jurisdictional Limits and Wetlands for more information on delineating jurisdictional areas.

3. **Minimal Direct, Secondary, and Cumulative Effects<sup>3</sup>**

a. Projects authorized by this GP shall have no more than minimal direct, secondary and cumulative adverse environmental impacts. Category 2 applicants should provide information on secondary and cumulative impacts as stated in Appendix C. Compensatory mitigation may be required to offset unavoidable impacts (see GC 4) and to ensure that they are no more than minimal. Compensatory mitigation requirements will be determined on a case-by-case basis.

b. Secondary impacts to waterway and/or wetland areas, (e.g., areas drained, flooded, cleared, excavated or fragmented) shall be added to the total fill area when determining whether the project qualifies for Category 1 or 2. Direct, secondary and cumulative impacts are defined at Appendix A, Endnote 2 and Appendix F.

c. Site clearing, grading and construction activities in the upland habitat surrounding vernal pools ("Vernal Pool Management Areas") are secondary impacts. See GC 23 for avoidance and minimization requirements and recommendations.

d. Bank stabilization activities in tidal waters are provided at Appendix A, Page 30. Direct impacts in tidal waters from contiguous bank stabilization projects in excess of 200 linear feet (Applicant or Applicant + Abutters combined) must undergo Category 2 review.

4. **Mitigation (Avoidance, Minimization, and Compensatory Mitigation)**

a. Discharges of dredged or fill material into waters of the U.S., including wetlands, shall be avoided and minimized to the maximum extent practicable through consideration of alternatives. The Corps may require compensatory mitigation of unavoidable direct and secondary impacts associated with Category 2 projects on a case-by-case basis.

b. Applicants proposing work in jurisdictional waters should consider riparian/forested buffers for stormwater management and low impact development (LID) best management practices (BMPs) to reduce

<sup>3</sup> Direct, secondary and cumulative effects are defined at Appendix F, Definitions and Acronyms.  
Section IV



impervious cover and manage stormwater to minimize secondary impacts to aquatic resources to the maximum extent practicable.<sup>4</sup>

c. Compensatory mitigation<sup>5</sup> for effects to waters of the U.S., including direct, secondary and temporal<sup>6</sup>, may be required for permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no lasting secondary effects may generally be excluded from this requirement. Refer to Appendix G.

## **5. Single and Complete Projects<sup>7</sup>**

a. This GP shall not be used to piecemeal work and shall be applied to single and complete projects. When determining the review category in Appendix A (Category 1 or 2) for a single and complete project, proponents must include any permanent historic fill placed since October 1995 that is associated with that project and all currently proposed temporary and permanent impact areas.

b. A single and complete project must have independent utility<sup>7</sup>.

c. Unless the Corps determines the activity has independent utility:

i. This GP shall not be used for any activity that is part of an overall project for which an Individual Permit is required.

ii. All components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project.

d. For linear projects, such as power lines or pipelines with multiple crossings, the single and complete project is all crossings of a single water of the U.S. (i.e., single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies and crossings of such features cannot be considered separately. If any crossing requires a Category 2 activity, then the entire linear project shall be reviewed as one project under Category 2.

## **6. Historic Properties**

a. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places<sup>8</sup>, including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) and the National Register of Historic Places can assist with locating information on: i) previously identified historic properties; and ii) areas with potential for the presence of historic resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO and/or THPO(s).

<sup>4</sup> See: [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permit >> Permit Resources >> Mitigation for this additional information: a) "Wetland BMP Manual - Techniques for Avoidance & Minimization," b) riparian/forested buffer BMPs, and c) LID BMPs. LID BMPs include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or, adding a green roof or rain garden.

<sup>5</sup> Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at [www.nae.usace.army.mil/regulatory](http://www.nae.usace.army.mil/regulatory) >> Mitigation.

<sup>6</sup> Temporal loss: The time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

<sup>7</sup> Single and Complete Project and Independent Utility are defined in Appendix F - Definitions.

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



b. For activities eligible for SV, proponents must ensure and document that the activity will not cause effects as stated in 6(a). Proponents must submit a PCN if the authorized activity may cause effects as stated in 6(a) as soon as possible to ensure that the Corps is aware of any potential effects of the permitted activity on any historic property to ensure all Section 106 requirements are met.

c. All PCNs shall: i) show notification to the SHPO and applicable THPO(s)<sup>9</sup> for their identification of historic properties, ii) state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties, and iii) include any available documentation from the SHPO or THPO(s) indicating that there are or are not historic properties affected. Starting consultation early in project planning can save proponents time and money.

d. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The 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.

## **7. Corps Projects and Property**

a. In addition to any authorization under this GP, proponents must contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents evidencing site-specific permission to work.

b. Any proposed temporary or permanent alteration, or modification or use, including occupation, of a federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), which would obstruct or impair the usefulness of the federal project in any manner, and/or would involve changes to the authorized federal project's scope, purpose, and/or functioning that go beyond minor modifications required for normal operations and maintenance, is not eligible for SV and requires review and approval by the Corps pursuant to 33 USC 408. Where Section 408 is applicable, a decision on a Department of the Army general permit application will not be rendered prior to the decision on a Section 408 request.

c. Any structure or work within any Corps Federal Navigation Project (FNP) or its buffer zone<sup>10</sup>, shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. See GC 10 for more requirements related to FNPs.

## **8. Federal Threatened and Endangered Species**

a. No activity is authorized which: i) is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species; ii) "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed; or iii) violates the ESA.

b. **All applicants must request an Official Species List from the US Fish & Wildlife Service and must include the list in the Corps permit application. To request an Official Species List, refer to the instructions in Appendix D.**

c. **For federally listed species in tidal waters, applicants should contact the National Marine Fisheries Service at: <http://www.greateratlantic.fisheries.noaa.gov/protected/section7/>**

<sup>9</sup> Appendix E, 3(a)&(b). Historic Resources, provides contact information and each tribe's "area of concern."

<sup>10</sup> See Appendix H for a list of FNPs. The buffer zone is equal to three times the authorized depth of the FNP.  
Section IV



d. A PCN is required if a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as “listed species or habitat”), as identified under the ESA, is present in the action area<sup>11</sup>.

e. Federal agencies should follow their own procedures for complying with the requirements of the ESA but should coordinate that consultation with the Corps as well.

**9. Wild and Scenic Rivers.**<sup>12</sup> Any activity that occurs in the designated main stem of, within 0.25 mile up or downstream of the designated main stem of, or in tributaries within .25 miles of the designated main stem of a National Wild and Scenic River, or in “bordering and contiguous wetlands” (see Appendix A, Endnote 1) that are adjacent to the designated main stem of a National Wild and Scenic River, or that has the potential to alter flows within a river within the National Wild and Scenic River System, is not eligible for Category 1 regardless of size of the impacts. This condition applies to both designated Wild and Scenic Rivers and rivers officially designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. National Wild and Scenic Rivers System segments for Maine as of October 2015 include: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 miles); and 11.25 miles of the York River, in the State of Maine, from its headwaters at York Pond to the mouth of the river at York Harbor, plus its tributaries (currently under study).

## **10. Navigation**

a. Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project (see Appendix H) than a distance of three times the project’s authorized depth shall be subject to removal at the owner’s expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. This is applicable to Category 1 and 2. Reference Appendix A, Page 28 (Moorings) and Page 29 (Structures, Floats & Lifts).

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

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

d. A PCN is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A. (Reference Appendix A, Endnote 13, Page 36)

**11. Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

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

a. Subsurface utility lines shall remain subsurface. If it is necessary to discharge dredged or filled material not previously authorized in order to keep such utility lines buried or restore them to their original subsurface condition, a PCN and written verification from the Corps may be required (e.g., in the case of side

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<sup>11</sup> The “Endangered Species Consultation Handbook – Procedures for Conducting Consultation and Conference Activities Under Section 7 of the ESA,” defines action area as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. [50 CFR 402.02].”

<sup>12</sup> Additional information can be found at: <http://www.rivers.gov>.



casting into wetlands from utility trenches). Certain repair, replacement or maintenance activities may be eligible for Category 1 – refer to Appendix A.

b. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment. In accordance with Corps New England District Regulation NEDER 1110-1-9 ([www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> [Useful Links and Documents](#)), as an absolute minimum, the bottom cover associated with the initial installation of utility lines under navigable waters and navigation channels shall be 48 inches in soil or 24 inches in rock excavation in competent rock unless specified in a written determination. These minimum bottom cover requirements for pipelines and cables shall be measured from the maximum depth of dredging to the top of the utility. The maximum depth of dredging, in waterways having existing FNP's, is generally considered to be the authorized project depth plus any allowance for advanced maintenance and the allowable overdepth for dredging tolerances. In waterways that do not have existing FNP's, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

c. Aerial utility lines that cross navigable waters must meet minimum clearances. See 33CFR322.5(i).

d. For horizontal directional drilling work, returns of drilling fluids to the surface (i.e., frac-outs) are not authorized and require restoration to the maximum extent practicable in accordance with the terms and conditions of this GP. The permittee and its contractor shall have onsite and shall implement the procedures detailed in a frac-out contingency plan for monitoring drilling operations and for the immediate containment, control and recovery/removal of drilling fluids released into the environment should a discharge of material occur during drilling operations.

e. Within the context of any new installations, any abandoned or inactive utility lines should be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) should be removed or repaired to the extent practicable. A PCN and written verification from the Corps is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.

f. No work shall drain a water of the U.S. by providing a conduit for water on or below the surface. Trench plugs installed along pipelines may be effective.

**13. Heavy Equipment in Wetlands or Mudflats.** Operating heavy equipment other than fixed equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall either have low ground pressure (typically <3 psi), or it shall be placed on swamp/construction/timber mats (herein referred to as "construction mats" and defined at Appendix A, Endnote 4) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization (Category 2 authorization or Individual Permit). Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen, dry or other conditions. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the Construction Mat BMPs at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Permit Resources.

**14. Temporary Fill.** Temporary fill that qualifies for Category 1 (e.g., <15,000 SF of combined temporary and permanent fill associated with the single and complete project) or is authorized in writing under Category 2, shall adhere to the following:

a. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable, typically within three calendar days after disturbance. Accelerated stabilization (the providing of temporary or permanent cover by the end of the work day to prevent erosion) shall be employed as necessary. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.

b. Unconfined temporary fill authorized for discharge into waters of the U.S. (e.g., temporary stream crossings) shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).



c. 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. Place materials in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.

d. Temporary fill, construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S. To qualify for Category 1, temporary fill placed during the: i.) growing season must be removed before the beginning of the next growing season; and ii.) non-growing season may remain throughout the following growing season, but must be removed before the beginning of the next growing season.

e. Temporary fill, construction mats and corduroy roads are considered temporary only if they are removed as soon as they are no longer needed to construct the authorized work.

f. Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

#### **15. Restoration of Special Aquatic Sites (Including Wetland Areas)**

a. Temporary fills must be removed in their entirety and the affected areas restored to their pre-construction condition, function and elevation. Restoration shall typically commence no later than the completion of construction.

b. For excavated areas, "restored to pre-construction condition, function and elevation" means careful removal of existing soil and vegetation, separate topsoil and subsoil stockpiling, soil protection, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Plan for natural settling that will occur (the initial post-restoration elevation of the backfilled areas should be above the desired final grade as topsoil may settle by 33% to 50%), minimize compaction, and ensure that topsoil is void of gravel and subsoil. A minimum of 4 inches of topsoil should be at the surface after the soil has settled. Wetland areas temporarily disturbed shall be stabilized (e.g., seeded or planted). Seed mixes and vegetation shall include only plant species native to New England and shall not include any species listed as "Invasive and Other Unacceptable Plant Species" in the "New England District Compensatory Mitigation Guidance" (see GC 24 and refer to Appendix G). This list may be updated periodically.

c. Limit compaction to the minimum needed to promote a successful seedbed; avoid a 'fluffy' seedbed, which is susceptible to erosion until the plants get established, and a compacted topsoil layer, which is counter-productive and will lead to greater erosion susceptibility down the road. Test soils for compaction. A soil probe, auger, or shovel should be able to retrieve samples of post-restoration profile. Equipment refusal shall be considered a failure of restoration, in which case the soil should be restored through deep-ripping and/or de-compaction, or other appropriate methods, and wetland hydrology must be maintained. See the BMPs at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> State General Permits >> Permit Resources >> Restoration.

d. In areas of authorized temporary disturbance, cut woody vegetation (trees, shrubs, etc.) shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

e. Trenches shall be constructed or backfilled so that the trench does not drain waters of the U.S. (e.g., materials or methods that create a French drain effect).

#### **16. Soil Erosion, Sediment and Turbidity Controls**

a. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion; of collecting sediment, suspended and floating materials; and of filtering fine sediment.



- b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland.
- c. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**17. Time of Year Work Windows/Restrictions.** For activities where work is authorized in streams and tidal waters that causes turbidity or sediment re-suspension or other construction related disturbances, work must be conducted during the following TOY work windows (not during the TOY restrictions) unless otherwise authorized by the Corps under Category 2 review:

|                  | <u>TOY Restriction</u> (no work) | <u>TOY Work Window</u> (work allowed) |
|------------------|----------------------------------|---------------------------------------|
| Non-tidal waters | Oct. 01 through Jul. 14          | Jul. 15 through Sep. 30               |
| Tidal waters     | Apr. 10 through Nov. 07          | Nov. 08 through Apr. 09               |

Alternate windows authorized under Category 2 may include species specific windows recommended by the Maine Dept. of Marine Resources and/or Maine Dept. of Inland Fisheries & Wildlife.

## **18. Aquatic Life Movements & Management of Water Flows**

a. 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. Unless otherwise stated, activities impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

- i. Suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and
- ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. Permanent and temporary crossings of wetlands shall be suitably culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity between the wetlands on either side of the road.

b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when it is necessary to perform the authorized work.

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

## **19. Water Quality and Coastal Zone Management**

a. Applicants must satisfy any conditions imposed by the state and EPA, where applicable, in their CWA § 401 Water Quality Certifications (WQC) for this GP, or in any Individual § 401 WQC. See Appendix E for state-specific contact information and to determine if any action is required to obtain a 401 WQC. The Corps may require additional water quality management measures to ensure that the authorized activity does not cause or contribute to a violation of water quality standards. All projects authorized by this GP shall be designed, constructed and operated to minimize or eliminate the discharge of pollutants.

b. Applicants must satisfy any additional conditions imposed by the state in their Coastal Zone Management (CZM) Act consistency concurrences for this GP, or in any Individual CZM consistency concurrences. The Corps may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

## **20. Floodplains and Floodways**

a. Appropriate measures must be taken to minimize flooding to the maximum extent practicable.

b. Activities within 100-Year Floodplains must comply with applicable Federal Emergency Management Agency (FEMA)-approved state and/or local floodplain management permitting requirements. Proponents may need to coordinate with FEMA and apply for a formal change to the flood insurance study products or forward a set of project plans and relevant technical documentation in a digital format to the Risk



Analysis Branch Chief, Mitigation Division, FEMA, Region 1, 99 High Street, Boston, Massachusetts 02110. Applicants should provide a copy of any documentation to the Corps along with the PCN.

c. Proponents may have to obtain a Flood Hazard Development Permit issued by the town. Inquiries may be directed to the municipality or to the Maine Floodplain Management Coordinator at (207) 287-8063. See <http://www.maine.gov/dacf/flood/>

**21. Storage of Seasonal Structures.** Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location landward of mean high water (MHW) or ordinary high water (OHW) and not in wetlands, tidal wetlands, their substrate or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is waterward of MHW or OHW. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps approval and local harbormaster approval.

**22. Spawning, Breeding, and Migratory Areas**

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

b. Jurisdictional activities in waters of the United States that provide value as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any “take” permits required under the USFWS’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity (See Appendix E).

**23. Vernal Pools**

a. Only vernal pools that meet the current definition of waters of the U.S. are regulated by the Corps.

b. Direct and indirect adverse effects to all vernal pools (VPs), including their envelopes and critical terrestrial habitats (VP Management Areas<sup>13</sup>), shall be avoided and minimized to the maximum extent practicable. Site clearing, grading, and construction activities associated with a regulated activity in the VP Management Area may cause these adverse effects to the VP.

c. The State of Maine has specific protections for vernal pools.<sup>14</sup>

d. When any regulated activities occur within 750 feet of a vernal pool, the following management practices must be followed for all work within any VP Management Area (750’ of a VP’s edge) *in order to qualify for Category 1*:

- i. No disturbance within the VP Depression or VP Envelope (area within 100 feet of the VP Depression’s edge)<sup>15</sup>;
- ii. Maintain a minimum of 75% of the Critical Terrestrial Habitat (area within 100-750 feet of the VP Depression’s edge) as unfragmented forest with at least a partly-closed canopy of overstory trees to provide shade, deep litter and woody debris;
- iii. Maintain or restore forest corridors connecting wetlands and significant vernal pools;
- iv. Minimize forest floor disturbance; and
- v. Maintain native understory vegetation and downed woody debris.

<sup>13</sup> The Corps VP Management Area, which includes the VP and a 750’ radius from the VP’s edge, is defined at Appendix A, Endnote 5.

<sup>14</sup> Appendix G, 10(a)-(d) provides links to the state’s Significant Wildlife Habitat regulations and references that provide impact minimization measures to reference when designing projects.

<sup>15</sup> The no disturbance requirement in the VP envelope [see (b)(i)(1)], and (b)(i)(2), do not apply to temporary impacts associated with construction mats in previously disturbed areas of existing utility project (e.g., transmission lines, gas pipelines) or linear transportation project (e.g., roads, highways, railways, trails, airport runways and taxiways) right-of-ways provided there is a Vegetation Management Plan that avoids, minimizes and mitigates impacts to aquatic resources.



vi. Cape Cod style-curbings or no curbings options shall be used on new roads to facilitate amphibian passage. (Reference Appendix G)

e. A PCN is required for any regulated activity within 750' of a vernal pool when all work within the VP Management Area does not comply with the Category 1 requirements in (d) above. Information on directional buffers in accordance with the VP Directional Buffer Guidance document may be provided in order to demonstrate minimal impact and avoid compensation requirements (Reference Appendix G). Conservation of the un-impacted area within the VP Management Area will often be required.

f. GC 2 requires applicants to delineate or approximately identify on the project plans all waters of the U.S., which contain vernal pools.

g. GC 23(b-d) do not apply to projects that are within a municipality and meet the provisions of a Corps-approved VP Special Area Management Plan (VP SAMP) and are otherwise eligible for self-verification.

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

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

b. No cultivars, invasive or other unacceptable plant species may be used for any mitigation, bioengineering, vegetative bank stabilization or any other work authorized by this GP. However, non-native species and cultivars may be used when it is appropriate and specified in a written verification, such as using *Secale cereale* (Annual Rye) to quickly stabilize a site. All PCNs should explain the reason for using non-native species or cultivars.

**25. Programmatic Consultations or Agreements.** The Corps requirements to comply with Section 106 of the NHPA, Section 7 of the Endangered Species Act or Essential Fish Habitat conservation under the Magnuson-Stevens Act may be satisfied by a Programmatic Agreement with the Corps, New England District or another federal action agency. Any Corps, New England District Programmatic Agreements will be available on our website.

**26. Permit On Site.** The permittee shall ensure that a copy of this GP and any accompanying authorization letter with attached plans are at the site of the work authorized by this GP whenever work is being performed and that all construction personnel performing work which may affect waters of the U.S. are aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means this entire GP and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

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<sup>16</sup> For the purposes of this GP, plant species that are considered invasive and unacceptable are provided in Appendix G "Invasive and other Unacceptable Plant Species" of our document "Compensatory Mitigation Guidance" at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Mitigation. Chapter 4(e) Planting is also particularly relevant. The June 2009 "Corps of Engineers Invasive Species Policy" provides policy, goals and objectives and is located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Invasive Species. Additional information can be found at: [www.eddmaps.org/ipane](http://www.eddmaps.org/ipane).



**27. Self-Verification Notification Form (SVNF).** Permittees must complete and submit the SVNF provided at Appendix B to the Corps for work authorized by this GP unless otherwise noted in Appendix A. **NOTE: A copy of a state permit application form may be an acceptable surrogate for the SVNF provided either form used also include plans and an Official Species List of federally listed threatened or endangered species.**

**28. Inspections.** The permittee shall allow the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP and any written verification. The Corps may also require post-construction engineering drawings for completed work, post-dredging survey drawings for any dredging work, or other post-construction reports. To facilitate these inspections, the permittee shall complete and return to the Corps the following forms:

- For Category 1/Self-Verification: The SVNF (see Appendix B).
- For Category 2/PCN: The a) Work-Start Notification Form and b) Compliance Certification Form, when either is provided with the authorization letter.

**29. Maintenance**

a. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions and activity-specific conditions to a written verification.

b. The requirement in (a) above does not include maintenance of dredging projects. Each maintenance dredging event exceeding the self-verification limits requires a new PCN unless an unexpired, written PCN or other Corps authorization specifies that the permittee may “dredge and maintain” an area for a particular time period. Self-verification or PCN maintenance dredging includes only those areas and depths previously authorized and actually dredged. Maintenance dredging with ocean or open water disposal will always require a PCN and at least Category 2 review.

c. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). Refer to Appendix A, Endnote 7.

**30. Property Rights.** This GP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

**31. Transfer of GP Verifications.** When the structures or work authorized by this GP are still in existence at the time the property is transferred, the terms and conditions of this GP, including any special conditions, will continue to be binding on the entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps (see Appendix E for address) to validate the transfer. A copy of the GP verification must be attached to the letter, and *the letter must contain the new owner’s contact information and the following statement and signature:*

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

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

**32. Modification, Suspension, and Revocation.** Any work authorized under this GP by self-verification or PCN may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the U.S.



**33. Special Conditions.** The Corps may independently, or at the request of the federal resource agencies, impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all terms and conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or an ordered restoration.

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

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

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

**37. Duration of Authorization.** This GP expires on October 12, 2020. Activities authorized under this GP that have commenced (i.e., are under construction) or are under contract to commence before this GP expires will have until October 12, 2021 to complete the activity under the terms and conditions of the current GP.

**38. Previously Authorized Activities.**

a. Projects that have received authorization (Category 1 or 2) from the Corps and that were completed under the previous PGPs, nationwide permits, regional general permits or letters of permission, shall remain authorized.

b. Activities authorized pursuant to 33 CFR Part 330.3 ("Activities occurring before certain dates") are not affected by this GP.

c. Any work not commenced nor completed that was authorized in a written letter from the Corps under the GP in effect between October 12, 2010 and October 12, 2015 remains authorized subject to the terms and general conditions of this GP along with any special conditions in the authorizing written letter. Exception – if previously authorized work is not commenced and a new federally listed threatened or endangered species could be affected, the Corps must consult with the Service(s) prior to re-authorizing the work under this GP. Requests for re-authorization must include an updated Official Species list. To request an Official Species List, refer to the instructions in Appendix D.

**39. Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require Category 2 or Individual Permit review based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)]. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant a higher level of review based on the concerns stated above. This authority may be invoked for projects that may contribute to cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the GP and that warrants greater review. Whenever the Corps notifies an applicant that an Individual Permit may be required, the project is not authorized under this GP and no work may be conducted until an Individual Permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this GP.

**40. St. John/St. Croix Rivers.** Work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission is not eligible for Category 1 and a PCN to the Corps 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 line; 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.

**41. National Lands.** Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, National Park or any other area administered by the National Park Service, U.S. Fish and Wildlife Service (USFWS) or U.S. Forest Service are not eligible for Category 1 and require a PCN.

**42. Essential Fish Habitat (EFH).** Any work in the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration, shall not be authorized under Category 1 of the GP and must be screened for potential impacts to EFH (see Appendix G for more information).

|                    |                    |                 |                         |
|--------------------|--------------------|-----------------|-------------------------|
| Androscoggin River | Aroostook River    | Boyden River    | Dennys River            |
| Ducktrap River     | East Machias River | Hobart Stream   | Kennebec River          |
| Machias River      | Narraguagus River  | Orland River    | Passagassawaukeag River |
| Patten Stream      | Penobscot River    | Pleasant River  | Presumpscot River       |
| Saco River         | Sheepscot River    | St. Croix River | Tunk Stream             |
|                    |                    |                 | Union River             |

The above does not apply to the following activities which may qualify for Category 1 work:

- Exploratory drilling and borings for bridges.
- Moorings (see Appendix A, Page 28 for Category 1 thresholds and requirements)
- Structures, floats & lifts (see Appendix A, Page 29 for Category 1 thresholds and requirements)
- Other activities specified in a programmatic agreement with NMFS.

**43. Work Site Restoration**

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

b. Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) shall be properly stabilized. Any seed mix shall contain only plant species native to New England and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix in the "New England District Compensatory Mitigation Guidance" (see GC 24 and refer to Appendix G). This list may be updated periodically.

c. In areas of authorized temporary disturbance, if trees are cut they shall be cut at ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

**44. Bank Stabilization**

a. Projects involving construction or reconstruction/maintenance of bank stabilization structures within Corps jurisdiction shall be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable.

b. Project proponents must design and construct bank stabilization projects using this sequential minimization process: avoidance of aquatic resource impacts, diversion of overland flow, vegetative stabilization, stone-sloped surfaces, and walls/bulkheads. Vertical walls/bulkheads shall only be used in situations where reflected wave energy can be tolerated.

c. Inland Water bank stabilization activities necessary for erosion prevention must meet all of the following criteria: i) No material is placed in excess of the minimum needed for erosion protection; ii) The activity is no more than 500 feet in total length along the bank(s); iii) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark; iv) Structures angled steeper than 1H:1V and any material other than angular or sub-angular stone or fiber roll revetments require at least a Category 2 review; v) The activity does not involve discharges of dredged or fill



material into special aquatic sites; vi) No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any water of the U.S.; vii) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and viii) The activity is not a stream channelization activity.

d. Bank stabilization activities in tidal waters are provided at Appendix A, Page 30 & 31. Direct impacts in tidal waters from contiguous bank stabilization projects in excess of 200 linear feet (Applicant or Applicant + Abutters combined) must undergo Category 2 review.

#### **45. Stream Work and Crossings & Wetland Crossings**

##### **Notes:**

a. For *Stream Work and Crossings* below, conditions (a) and (b) apply to Inland Waters and Wetlands (see Appendix A, Page 1 for definition) and Navigable Waters (see Appendix A, Page 27 for definition). Conditions (c)-(I) below only apply to Inland Waters and Wetlands that are streams. All new and replacement crossings in Navigable Waters require an application to the Corps and at least a Category 2 review.

b. In-stream work in a watershed occupied by listed Atlantic salmon, Atlantic sturgeon, or shortnose sturgeon [see GC 8(b)] and some stream work such as crossings on EFH waters (see GC 42) is not eligible for Category 1.

c. "High-Quality Stream Segments" are shown at [www.maine.gov/dep/gis/datamaps](http://www.maine.gov/dep/gis/datamaps) and may be useful in evaluating impacts to fisheries. GIS shape files are under "Other Google Earth Interactive Maps" and PDFs by county are under "DEP GIS Maps." See Appendix E for more state contact information.

##### **Conditions for Stream Work and Crossings:**

a. All permanent crossings of rivers, streams, brooks, etc. (hereon referred to as "streams") shall be suitably culverted, bridged, or otherwise designed to i) withstand and to prevent the restriction of high flows to qualify for Category 1, and ii) not obstruct the movement of or not 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, beyond the actual duration of construction unless the activity's primary purpose is to impound water to qualify for Category 1 or 2. (NOTE: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this GP).

b. Any work that temporarily or permanently impacts upstream or downstream flood conditions, or permanently impacts wetlands in excess of Category 1 thresholds, must be reviewed at least under Category 2. See the documents referenced in Appendix G, 8(c) and (d) for guidance.

c. New Stream Crossings. For new stream crossings to qualify for Category 1:

i. Must ensure compliance with GC 45(a) and GC 45(b) above.

ii. Shall be designed and constructed in accordance with the Corps General Stream Crossing

Standards provided on Page 19 and the stream simulation document listed at Appendix G, 8(a).

d. Replacement Stream Crossings. For replacement stream crossings to qualify for Category 1:

i. Must ensure compliance with GC 45(a) and GC 45(b) above.

ii. Shall be designed and constructed in accordance with the Corps General Stream Crossing

Standards provided on Page 19 and the stream simulation document listed at Appendix G, 8(a).

e. Culvert Extensions. Culvert extensions on culverts that do not meet the Corps General Stream Crossing Standards do not qualify for Category 1 and require an application to the Corps and at least Category 2 review.

f. Temporary Stream Crossings.

Note: The General Stream Crossing Standards don't apply to temporary stream crossings.

i. Temporary stream crossings or cofferdams shall be used for equipment access across streams [see Appendix G, 8(e)]. Note: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine the review category in Appendix A.

ii. Temporary stream crossings shall be removed within 180 days to qualify for Category 1.



iii. Temporary stream crossings that are not spans<sup>17</sup> (typically culverts) must be designed in accordance with 1-6 below to qualify for Category 1. Category 2 applications should include information demonstrating 2-6 below:

1. Installed and removed during the low flow period specified in GC 45(l) below.
2. Placed on geotextile fabric or other material where practicable to ensure restoration to the original grade. Soil may not be used to construct or stabilize these structures and rock must be large enough to allow for easy removal without disrupting the streambed.
3. Designed and maintained to withstand and pass high flows. Water height should be no higher than the top of the culvert's inlet. A minimum culvert diameter of two feet is required to pass debris. Culverts must be aligned to prevent bank erosion or streambed scour.
4. Equipped with energy dissipating devices installed downstream if necessary to prevent scour.
5. Designed and maintained to prevent soil from entering the waterbody.
6. Removed upon the completion of work. Impacts to the streambed or banks requires restoration to their original condition using stream simulation methods<sup>18</sup>.

g. Slip Lining. Work using slip lining (retrofitting an existing culvert by inserting a smaller diameter pipe), invert lining, or resulting in decreased diameter, does not qualify for Category 1, either as new work or maintenance activities.

h. Work in Flowing Waters. To qualify for Category 1, no unconfined fill [see GC 14(b)] or excavation in flowing waters is allowed. To accomplish this:

i. Bank stabilization work below ordinary high water (OHW) shall utilize erosion controls such as inflatable cofferdams, jersey barrier, silt screen, turbidity curtain, etc. where practicable to prevent sediment input to the stream and to minimize turbidity and sedimentation impacts for sensitive life stages. Bank stabilization above OHW must utilize erosion controls.

ii. Management techniques such as temporary flume pipes, culverts, cofferdams, etc. must be used to maintain normal flows within the stream boundary's confines, or water diversions may be used immediately up and downstream of the work footprint (see Appendix A, Endnote 6) or work must be performed in the dry under no flow conditions, or under very low flow conditions following the practices in GC 45(a).

i. Minimization. In order to make the Category 2 review process more efficient and result in a faster decision, new and replacement stream crossings should be designed using the least intrusive and environmentally damaging method following this sequential minimization process: 1) spans with no stream impacts, 2) spans with stream impacts, and 3) embedded culverts with stream simulation or low-slope design.

j. Maintenance Requirements. The permittee shall maintain the work authorized herein in good condition and in conformance with the terms and general conditions of this permit to facilitate aquatic life passage as stated in GC 45(a). Culverts that develop "hanging" inlets or outlets, result in bed washout, or a stream that doesn't match the characteristics of the substrate in the natural stream channel such as mobility, slope, stability confinement will require maintenance or repair to comply with this GC. This does not apply to GC 45(f) above.

k. Maintenance and Replacement Information. An existing stream crossing must be authorized and in compliance with all conditions of its authorization(s) to qualify for maintenance not subject to regulation. See Appendix A, Endnote 7. A non-serviceable crossing is not eligible for maintenance and is therefore considered as a replacement crossing [see GC 45(d)].

l. Work Window. For projects that otherwise meet the terms of Category 1, in-stream construction work shall be conducted during the low flow period July 15 – September 30 in any year. Projects that are not to be conducted during that time period are ineligible for Category 1 and shall be screened pursuant to Category 2, regardless of the waterway and wetland fill and/or impact area.

#### **Corps General Stream Crossing Standards (required for Category 1; recommended for Category 2):**

- a. Culverts must be embedded:

<sup>17</sup> For the purposes of this GP, spans are bridges, three-sided box culverts, open-bottom culverts or arches that span the stream with footings landward of bankfull width.

<sup>18</sup> Design and construction shall be in accordance with the stream simulation document listed at Appendix G, 8(a).



- $\geq 2$  feet for box culverts and other culverts with smooth internal walls,
- $\geq 1$  foot for corrugated pipe arches
- $\geq 1$  foot and at least 25 percent for corrugated round pipe culverts

b. **For new crossings**, spans<sup>17</sup> are required to avoid or cause minimal disruption to the streambed and to meet the requirements of General Condition 45(a) and 45(b). Footings and abutments must be landward of 1.2 times bankfull width. To the greatest extent practicable, work in the stream shall be minimized, and design and construction shall allow the streambed's natural structure and integrity to remain intact. Any fill or excavation of the streambed below bankfull width other than footings, support pilings, or work specified in 45(h)ii requires Category 2 review and, unless demonstrated otherwise, stream simulation<sup>18</sup> to establish substrate and banks in the span structure and work area as specified in (d) and (e) below.

c. **For replacement crossings**, spans<sup>17</sup> are required to meet the requirements of General Condition 45(a) and 45(b). Footings and abutments shall be landward of 1.2 times bankfull width. Unless demonstrated otherwise, stream simulation<sup>18</sup> is required to establish substrate and banks in the span structure and work area as specified in (d) and (e) below.

d. Crossings must have a natural bottom substrate within the structure matching the characteristics of the substrate in the natural stream channel and the banks (mobility, slope, stability, confinement, grain and rock size) at the time of construction and over time as the structure has had the opportunity to pass significant flood events. To allow terrestrial passage for wildlife and prevent undermining the footings, crossings shall have a bank on both sides of the stream matching the horizontal profile of the existing stream and banks<sup>18</sup>. Note: Installation of substrate material within smaller culverts may not be safe or practicable. In these cases, it may be necessary to allow for natural deposition and bed development unless alternative methods are identified.

e. Crossings must be designed and constructed<sup>18</sup> with appropriate bed forms and streambed characteristics so that water depths and velocities are comparable to those found in the natural channel at a variety of flows. In order to provide appropriate water depths and velocities at a variety of flows and especially low flows, it is usually necessary to reconstruct the streambed or preserve the natural channel within the structure. Otherwise, the width of the structure needed to accommodate higher flows will create conditions that are too shallow at low flows. The grain and rock size, and arrangement of streambed materials within the structure should be in accordance with (d) above. Flows could go subsurface within the structure if only large material is used without smaller material filling the voids.

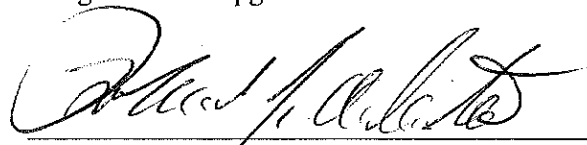
#### **Conditions for Wetland Crossings:**

a. All temporary and permanent crossings of wetlands shall be suitably culverted, bridged, or otherwise designed to: i) Withstand and prevent the restriction of high flows, ii) Not obstruct the movement of or not substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the wetland, including those species that normally migrate through the area, beyond the actual duration of construction unless the activity's primary purpose is to impound water. See Appendix E for the Maine DEP's crossing standards.

b. To qualify for Category 1, new and replacement wetland crossings that are permanent shall be culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity, at its present level, between the wetlands on either side of the road. To meet this requirement, we recommend that culverts, spans or bridges be placed at least every 50 feet with an opening at least 2 feet high and 3 feet wide at ground level where practicable. Closed bottom culverts shall be embedded at least 6 inches with a natural bottom.

c. In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity.

d. Any work that results in flooding, results in impacts to wetlands on either side of the wetland crossing in excess of Category 1 thresholds, or impacts wetland drainage from the upgradient side of the wetland crossing does not qualify for Category 1.



Robert J. Desista  
Deputy Chief, Regulatory Division  
For DISTRICT ENGINEER

DATE

10/13/15







## APPENDIX A: DEFINITION OF CATEGORIES

| <b>A. INLAND WATERS AND WETLANDS</b>  | <b>Inland Waters and Wetlands:</b> Waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds and wetlands, and <i>excluding Section 10 Navigable Waters of the U.S. (tidal and freshwater)</i> . The jurisdictional limits are the ordinary high water (OHW) mark in the absence of adjacent wetlands, beyond the OHW mark to the limit of adjacent wetlands when adjacent wetlands are present, and the wetland limit when only wetlands are present. For the purposes of this GP and designated activities, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands <sup>1</sup> to tidal waters are reviewed in the Navigable Waters section. (See B. Navigable Waters on page 27 below.)<br>Projects not meeting Category 1 require an application for review as a Category 2 or Individual Permit project.<br>All Category 1 and 2 projects must comply with all of this GP's applicable terms (Pages 1 – 4) and General Conditions (Pages 5–20). |   |
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| <b>ACTIVITY</b>   | <b>CATEGORY 1 Self-Verification Eligible (SVNF Required)</b>  | <b>CATEGORY 2 (PCN Required)</b>  |
| <b>1. Repair, Replacement, and Maintenance of Authorized Structures and Fills</b> | <p>Repair or maintenance of existing, currently serviceable, authorized fills with no expansion or change in use:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• Minor deviations in fill design allowed.<sup>7</sup></li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> <li>• No effect on federally listed endangered or threatened species or critical habitat.</li> </ul>   | Replacement of non-serviceable fills, or repair/maintenance of serviceable fill, with expansion <3 acres, or with a change in use.  |
| <b>2. Moorings</b>  | <p>NA – moorings in non-navigable inland waters are not subject to Corps jurisdiction.<br/>Note: Moorings placed in freshwater navigable waters are reviewed in the Navigable Waters section. (See B. Navigable Waters on Page 28 below.)</p>   | NA  |
| <b>3. Structures, Floats &amp; Lifts</b>  | <p>For solid fill or crib supported structures on inland waters, &lt;15,000 square feet (SF) of waterway and/or wetland fill, associated secondary impacts<sup>2</sup>, and temporary fills.</p> <ul style="list-style-type: none"> <li>• No effect on federally listed endangered or threatened species or critical habitat.</li> <li>• Note: Temporary or permanent structures placed in freshwater navigable waters are reviewed in the Navigable Waters section. (See B. Navigable Waters on page 29 below.)</li> </ul>   | <p>1. Work not eligible for Category 1<br/>2. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated).</p> |
| <b>4. Aids to Navigation and Temporary Recreational Structures</b>                | <p>NA - this activity in non-navigable inland waters is not subject to Corps jurisdiction.<br/>Note: Aids to Navigation and other structures placed in freshwater navigable waters are reviewed in the Navigable Waters section. (See B. Navigable Waters on page 30 below.)</p>  | NA  |



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| <b>5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation</b>       | <p>1. For regulated discharges associated with excavation, and disposal &lt;15,000 SF inland waterway and/or wetland impacts.</p> <p>2. The activity does not occur in navigable waters of the U.S.</p> <p>3. Stream channelization, relocation or loss of streambed including impoundments or discharge of tailings into streams does not occur.</p> <p>4. No effect on federally listed endangered or threatened species or critical habitat.</p>   | <p>1. Work not eligible for Category 1</p> <p>2. ≥15,000 SF to &lt;3 acres of inland waters.</p>   |
| <b>6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges</b>                 | <p>NA - For discharges incidental to the construction of bridges in inland waters of the U.S. refer to Activity 23 (Stream and Wetland Crossings) and GC 45.</p> <p>Note: Discharges of Dredged or Fill Material Incidental to the Construction of Bridges in freshwater navigable waters are reviewed in the Navigable Waters section. (See B. Navigable Waters on page 30 below.)</p>   | <p>NA</p>  |
| <b>7. Bank and Shoreline Stabilization</b>   | <p>Inland bank stabilization &lt;500 FT long and ≤1 CY of fill per linear foot below OHW, provided:</p> <ul style="list-style-type: none"> <li>• ≤1 cubic yard of fill per linear foot placed along the bank waterward of ordinary high water.</li> <li>• Work complies with the GCs (GC 44 in particular), including: <ul style="list-style-type: none"> <li>◦ No structures angled steeper than 1H:1V allowed. Only rough-faced stone or fiber roll revetments allowed.</li> <li>◦ No in-stream work involving fill or excavation in flowing waters (see GC 45(h)).</li> </ul> </li> <li>• In-water work limited to Jul 15 – Sep 30.</li> <li>• No work in vernal pools<sup>5</sup> or SAS<sup>3</sup>.</li> <li>• No effect on federally listed endangered or threatened species or critical habitat.</li> </ul>   | <p>Work not eligible for Category 1</p>  |
| <b>8. Residential, Commercial, Industrial, and Institutional Developments, and Recreational Facilities</b> | <p>1. &lt;15,000 SF of inland waterway and/or wetland fill and associated secondary impacts<sup>2</sup> (e.g., areas drained, flooded, fragmented, mechanically cleared or excavated). Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Construction mats are considered as fill. [See GC 14]</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> <li>• Historic fill + proposed impact area &lt;15,000 SF complies with GC 5, Single and Complete Projects.</li> <li>• No work in special aquatic sites (SAS)<sup>4</sup> other than wetlands.</li> <li>• No effect on federally listed endangered or threatened species or critical habitat.</li> </ul> <p>2. For work in Vernal Pool (VP) Management Areas (includes VPs)<sup>5</sup>:</p> <ul style="list-style-type: none"> <li>• See GC 23 and Appendix C for VP delineation requirements.</li> </ul> | <p>1. Work not eligible for Category 1.</p> <p>2. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.</p> <p>3. <i>Mechanical clearing without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for Category 2 at the discretion of the Corps.</i></p> <p>See GC 2 and Appendix C for wetland delineation requirements.</p> |



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| <p><b>9. Utility Line Activities</b></p>   | <ul style="list-style-type: none"> <li>• See GC 23 to determine if work qualifies for Category 1 or 2.</li> <li>• See Appendix G for VP documents providing mitigation guidance.</li> </ul> <ol style="list-style-type: none"> <li>1. &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts<sup>2</sup>, and temporary fills.</li> <li>2. The activity does not occur in, over, or under navigable waters of the U.S.</li> <li>3. Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments.</li> <li>4. There is no permanent change in pre-construction contours in waters of the U.S.</li> <li>5. Material resulting from trench excavation is temporarily side cast into waters of the U.S. for ≤3 months and is placed in such a manner that it is not dispersed by currents or other forces.</li> <li>6. The utility line is placed within and does not run a) parallel to, or b) along a streambed.</li> <li>7. Stream channelization, relocation or loss of streambed including impoundments does not occur.</li> <li>8. No effect on federally listed endangered or threatened species or critical habitat.</li> <li>9. There is no discharge in SAS other than non-tidal wetlands.</li> <li>10. Construction mats<sup>4</sup> of any area necessary to conduct activities that were previously authorized, authorized under Category 1, or not subject to regulation (see Endnote 7). Authorized construction mats must be in place for &lt;3 months, removed immediately upon work completion, and the wetlands must be restored (see GC 43).</li> <li>11. Stream crossings must comply with GC 17.</li> </ol> | <ol style="list-style-type: none"> <li>1. Work not eligible for Category 1</li> <li>2. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.</li> <li>3. <i>Mechanical clearing without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for Category 2 at the discretion of the Corps.</i></li> </ol> |
| <p><b>10. Linear Transportation Projects (not including stream crossings)</b></p> <p><b>For stream crossings, refer to Activity 23</b></p> | <ol style="list-style-type: none"> <li>1. &lt;15,000 SF of inland waterway and/or wetland fill associated secondary impacts (e.g., areas drained, flooded, fragmented, mechanically cleared or excavated). Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Construction mats are considered fill. (See GC 14.)</li> </ol> <p>Provided:</p> <ul style="list-style-type: none"> <li>• Historic fill + proposed impact area &lt;15,000 SF and complies with GC 5 single and complete projects.</li> <li>• No work in special aquatic sites (SAS) other than wetlands.</li> </ul> <ol style="list-style-type: none"> <li>2. Construction mats<sup>4</sup> of any area necessary to conduct activities that were previously authorized, authorized under Category 1, or not subject to regulation (see Endnote 7). Authorized construction mats must be in place for &lt;3 months, removed immediately upon work completion, and the wetlands must be restored (see GC 43).</li> <li>3. No effect on federally listed endangered or threatened species or critical habitat.</li> </ol>   | <ol style="list-style-type: none"> <li>1. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.</li> <li>2. <i>Mechanical clearing without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for Category 2 at the discretion of the Corps.</i></li> </ol>  |



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| <b>11. Mining Activities</b>   | <p>1. &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</p> <p>2. The activity does not occur in navigable waters of the U.S.</p> <p>3. Stream channelization, relocation or loss of streambed including impoundments or discharge of tailings into streams does not occur.</p> <p>4. No effect on federally listed endangered or threatened species or critical habitat.</p>   | <p>1. Work not eligible for Category 1.</p> <p>2. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.</p>   |
| <b>12. Boat Ramps</b>  | <p>1. &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</p> <p>2. No effect on federally listed endangered or threatened species or critical habitat.</p>   | <p>1. Work not eligible for Category 1</p> <p>2. &gt;15,000 SF and &lt; 3 acres of impact.</p>   |
| <b>13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects</b> | <p><i>For land-based facilities:</i></p> <p>1. &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</p> <p>2. Stream channelization, relocation or loss of streambed including impoundments does not occur.</p> <p>3. No effect on federally listed endangered or threatened species or critical habitat.</p> <p><i>For water-based facilities and hydropower projects:</i></p> <p>No new facilities are eligible.</p> <p>Not Applicable</p>   | <p><i>For land-based activities:</i></p> <p>1. Work not eligible for Category 1.</p> <p>2. &gt;15,000 SF and &lt; 3 acres impact.</p> <p>3. <i>Mechanical clearing without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for Category 2 at the discretion of the Corps.</i></p> <p><i>For water-based facilities and hydropower projects:</i></p> <p>&gt; 3 acres of impact will require an IP.</p> <p>Not Applicable</p> |
| <b>14. Reshaping Existing Drainage Ditches &amp; Mosquito Management</b>                       | Not Applicable   | Not Applicable   |
| <b>15. Oil Spill and Hazardous Material Cleanup</b>  | <p>Jurisdictional activities required for the containment and cleanup of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 or any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. SAS<sup>3</sup> must typically be restored in place at the same elevation.</p> <p><i>Note: SVN/F or a surrogate state reporting form may be submitted after the fact.</i></p> | Work not eligible for Category 1   |



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| <b>16. Cleanup of Hazardous and toxic waste</b> | <p>Specific jurisdictional activities to effect the containment, stabilization, or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements, which are performed, ordered or sponsored by a government agency with established legal or regulatory authority. SAS should be restored in place at the same elevation.</p> <ul style="list-style-type: none"> <li>• &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</li> <li>• No stream channelization, relocation or loss of streambed occurs.</li> <li>• The project does not involve establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.</li> <li>• No effect on federally listed endangered or threatened species or critical habitat.</li> </ul> | Work not eligible for Category 1   |
| <b>17. Scientific Measurements Devices</b>      | <ol style="list-style-type: none"> <li>1. Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. This excludes any biological sampling devices. Structures may not restrict or concentrate movement of aquatic organisms.</li> <li>2. No effect on federally listed endangered or threatened species or critical habitat.</li> </ol>   | Work not eligible for Category 1   |
| <b>18. Survey Activities</b>                    | <ol style="list-style-type: none"> <li>1. Jurisdictional 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, and historic resources surveys (but not recovery). Exploratory trenches must be restored in accordance with GC 43. The construction of temporary pads is authorized provided the discharge doesn't exceed 25 CY. This doesn't authorize permanent structures or the drilling and the discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized).</li> <li>2. No effect on federally listed endangered or threatened species or critical habitat.</li> </ol>   | Work not eligible for Category 1   |
| <b>19. Agricultural Activities</b>              | <ol style="list-style-type: none"> <li>1. For those activities subject to Corps jurisdiction<sup>16</sup>, &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</li> <li>2. No stream channelization, relocation, loss of streambed, or farm ponds in streams.</li> <li>3. No effect on federally listed endangered or threatened species or critical habitat.</li> </ol>   | <ol style="list-style-type: none"> <li>1. ≥15,000 SF to &lt;3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.</li> <li>2. &gt; 3 acres of impact will require an IP.</li> </ol> |



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| <b>20. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities</b> | NA - this activity in non-navigable inland waters, if not involving a discharge of dredged or fill material, is not subject to Corps jurisdiction.<br>Note: Related structures placed in freshwater navigable waters (e.g. the upper Penobscot or Kennebec Rivers) are reviewed in the Navigable Waters section. (See B. Navigable Waters on Page 33 below.)   | Not Applicable   |
| <b>21. Habitat Restoration, Establishment and Enhancement Activities</b>                   | <ol style="list-style-type: none"> <li>&lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</li> <li>The activity is supported in writing by a local, state, or non-Corps Federal environmental agency. Water impoundments require PCN.</li> <li>No conversion of i) a stream to wetland or vice versa, wetland to a pond or uplands, and ii) one wetland type to another.</li> <li>No dam removal.</li> <li>No effect on federally listed endangered or threatened species or critical habitat.</li> </ol>  | <ol style="list-style-type: none"> <li>Work not eligible for Category 1</li> <li>Aquatic habitat restoration, establishment, and enhancement of wetlands and riparian areas and the restoration and enhancement of streams and other open waters with impacts of any area <math>\geq 15,000</math> SF, provided those activities result in net increase in overall aquatic resource functions and services.<sup>8</sup></li> </ol> |
| <b>22. Previously Authorized Activities</b>  | Any work not commenced nor completed that was authorized in a written letter from the Corps under the GP in effect between October 12, 2010 and October 12, 2015. The terms and general conditions of this GP apply along with any special conditions in the written authorization.  |  |
| <b>23. Stream &amp; Wetland Crossings</b>  | <ol style="list-style-type: none"> <li>River, stream and brook work and crossings: <ul style="list-style-type: none"> <li>Must comply with GC 45 in particular, including: <ul style="list-style-type: none"> <li>No slip lining [see GC 45 (g)].</li> <li>No in-stream work involving fill or excavation in flowing waters [see GC 45(h)].</li> <li>In-stream work limited to Jul 15 – Sep 30 [see GC 45 (I)].</li> <li>No work in riffles and pools<sup>3</sup>.</li> <li>No stream relocations.</li> <li>No dams or dikes<sup>6</sup>.</li> <li>No effect on federally listed endangered or threatened species or critical habitat.</li> <li>&lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</li> </ul> </li> </ul> </li> <li>Wetland crossings must comply with the particularly relevant GC 45.</li> </ol> | Work not eligible for Category 1   |
| <b>24. Aquaculture (freshwater)</b>  | <p>For land based installations, &lt;15,000 SF of inland waterway and/or wetland fill, associated secondary impacts, and temporary impacts.</p> <ul style="list-style-type: none"> <li>In-stream/in-water work limited to Jul 15 – Sep 30.</li> <li>No effect on federally listed endangered or threatened species or critical habitat.</li> </ul> <p>Note: Related structures placed in freshwater navigable waters are reviewed in the Navigable Waters section. (See B. Navigable Waters, below.)</p>   | Work not eligible for Category 1   |



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| <b>B. NAVIGABLE WATERS</b>   | <p><b>Navigable Waters of the United States:</b> Waters that are subject to the ebb and flow of the tide and/or the tidal and non-tidal portions of the Federally designated navigable waters (the Penobscot River, Kennebec River, and Lake Umbagog) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water (OHW) mark in non-tidal portions of the federally designated navigable rivers. For the purposes of this GP, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands<sup>1</sup> to tidal waters are also reviewed in this Navigable Waters section.</p> <p>Projects not meeting Category 1 require an application for review as a Category 2 or Individual Permit project.</p> <p>All Category 1 and 2 projects must comply with all of this GP's applicable terms (Pages 1 - 4) and General Conditions (Pages 5 - 20).</p>  |
| <b>ACTIVITY</b>  | <p><b>CATEGORY 1 Self-Verification Eligible (SVNF Required)</b></p>   |
| <p><b>1. Repair, Replacement, and Expansion of Maintenance of Authorized (or grandfathered) Structures and Fills</b></p> | <p>1. Repair, replacement in-kind, or maintenance<sup>7</sup> of existing, currently serviceable<sup>7</sup>, authorized structures or fills:</p> <ul style="list-style-type: none"> <li>• All work is to be conducted in-the-dry, during low water.</li> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• No new fill in SAS<sup>3</sup>.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed<sup>7</sup>.</li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> </ul> <p><b>CATEGORY 2 (PCN Required)</b></p> <p>1. Replacement of non-serviceable structures and fills or repair/maintenance of serviceable structures or fills, with fill, replacement or expansion &lt;1 acre, or with a change in use.</p> <p>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts. Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> <p>3. Standard Pile Driving Conditions. Work involving piles shall adhere to one of the four methods below:</p> <ul style="list-style-type: none"> <li>• Piles installed in-the-dry during low water or in-water between Nov. 8<sup>th</sup> - Apr. 9<sup>th</sup>, or</li> <li>• Must be drilled and pinned to ledge, or</li> <li>• Vibratory hammers used to install any size and quantity of wood, concrete or steel piles, or</li> <li>• Impact hammers limited to one hammer and &lt;50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles &lt;12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile, and</li> </ul> <p>• For the methods above:</p> <ul style="list-style-type: none"> <li>◦ In-water noise levels shall not exceed &gt;187dB cSEL re 1μPa or 206dB peak re 1μPa at a distance &gt;10m from the pile being installed, and</li> <li>◦ In-water noise levels &gt;150dB peak re 1μPa shall not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise below 150dB peak re 1μPa) must be provided between work days.</li> <li>• Existing derelict, degraded or abandoned piles in the project area that are affected by project activities should be removed and properly disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate or mudflats.</li> </ul> |



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| <p><b>2. Moorings</b></p>                     | <p>1. Private, non-commercial, non-rental, single-boat moorings, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not associated with any boating facility.<sup>11</sup></li> <li>• Boat or mooring not located in a Federal Navigation Project or buffer zone<sup>12</sup> other than in a Federal Anchorage<sup>12</sup>. Moorings in a Federal Anchorage not associated with a boating facility<sup>11</sup> and are not for rent.</li> <li>• No interference with navigation.</li> <li>• No new moorings located in SAS<sup>3</sup>. Prior to installation of moorings, a site-specific eelgrass survey should be conducted to document that eelgrass is not present.</li> <li>• When existing, authorized moorings in SAS<sup>3</sup> are going to be replaced, they should be replaced with low impact mooring technology that prevents mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems where practicable.</li> </ul> <p>2. Minor relocation of previously authorized moorings, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not located in SAS<sup>3</sup></li> <li>• No interference with navigation.</li> <li>• Cannot be relocated into a Federal Navigation Project<sup>12</sup> other than a Federal Anchorage<sup>12</sup></li> </ul> <p><b>Note: Cat 1 eligible moorings do not require SVNf.</b></p> | <p>1. Moorings associated with an existing boating facility<sup>11</sup>. An eelgrass<sup>14</sup> survey may be required.</p> <p>2. Moorings that don't meet the terms in Category 1 and don't require an Individual Permit. This includes private moorings with no harbormaster or means of local approval.</p> <p>3. Moorings located such that they, and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits<sup>13</sup> of a Federal Channel<sup>12</sup>. (See Appendix H.) The buffer zone is equal to 3 times the authorized depth of that channel.</p> <p>4. An IP is required for moorings within the horizontal limits<sup>11</sup>, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project<sup>12</sup>, except those in Federal Anchorages<sup>12</sup>.</p> <p><i>For 1-4 above, siting of new individual moorings in SAS<sup>3</sup>, including eelgrass<sup>14</sup>, should be avoided to the maximum extent practicable. If SAS<sup>3</sup> cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems, where practicable. For moorings that appear to impact SAS, the Corps may require an eelgrass survey.</i></p> |
| <p><b>3. Structures, Floats and Lifts</b></p> | <p>1. Reconfiguration of existing authorized structures shall occur in-the-dry during low water.</p> <p>2. Minor relocation of previously authorized floats or moored floats/lobster cars, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not located in SAS<sup>3</sup>.</li> <li>• No interference with navigation.</li> <li>• Cannot be relocated into a Federal Navigation Project<sup>12</sup> other than a Federal Anchorage<sup>12</sup>.</li> </ul>  | <p>1. New structures or floats, including floatways/skidways, built to access waterway (seasonal and permanent). Includes both pile supported and crib supported structures.</p> <p>2. Expansions to existing boating facilities<sup>11</sup></p> <ul style="list-style-type: none"> <li>• Pile-supported structures &lt;400 SF, with attached floats totaling ≤200 SF.</li> <li>• Bottom anchored floats ≤200 SF.</li> <li>• Structures are ≤4' wide and have at least a 1:1 height:width ratio<sup>11</sup>.</li> <li>• Floats supported a minimum of 18" above the substrate during all tides.</li> <li>• Structures &amp; floats not located within 25' of any eelgrass<sup>8</sup>.</li> <li>• Moored vessels not positioned over SAS<sup>3</sup>.</li> <li>• The Corps may require a letter of no objection from the abutter if</li> </ul>   |



structure is to be within 25 feet of the property line.

- No structure extends across >25% of the waterway width at mean low water.
- Not located within the buffer zone of the horizontal limits<sup>13</sup> of a Corps Federal Navigation Project (FNP) (App. F). The buffer zone is equal to three times the authorized depth of that FNP.

3. An Individual Permit is required for structures or floats, including floatways/skidways, located such that they and/or vessels docked or moored at them are within the horizontal limits<sup>13</sup> of a Corps Federal Navigation Project<sup>12</sup> (see App. H).

4. An Individual Permit is required for structures & floats associated with a new or previously unauthorized boating facility<sup>11</sup>.

5. Standard Pile Driving Conditions. Work involving piles shall adhere to one of the four methods below:

- Piles installed in-the-dry during low water or in-water between Nov. 8<sup>th</sup> - Apr. 9<sup>th</sup>, or
- Must be drilled and pinned to ledge, or
- Vibratory hammers used to install any size and quantity of wood, concrete or steel piles, or
- Impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles <12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile, and
- For the methods above:
  - In-water noise levels shall not exceed >187dB cSEL re 1μPa or 206dB peak re 1μPa at a distance >10m from the pile being installed, and
  - In-water noise levels >150dB peak re 1μPa shall not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise below 150dB peak re 1μPa) must be provided between work days.
- Existing derelict, degraded or abandoned piles in the project area that are affected by project activities should be removed and properly disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate or mudflats.



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| <p><b>4. Aids to Navigation and Temporary Recreational Structures</b></p>                                   | <p>1. Temporary buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</p> <p>2. The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard. (See 33 CFR 66, Chapter I, subchapter C)."</p> <p><i>Note: Cat 1 eligible aids to navigation and regulatory markers do not require SVN.</i></p>  | <p>Work not eligible for Category 1</p>  |
| <p><b>5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation</b></p> | <p>1. Maintenance dredging<sup>10</sup> for navigational purposes &lt;1,000 CY with upland disposal. Includes return water from upland contained disposal area, provided:</p> <ul style="list-style-type: none"> <li>• Proper siltation controls are used.</li> <li>• Dredging &amp; disposal operation limited to Nov. 8 – Apr. 9.</li> <li>• No impact to SAS<sup>3</sup>.</li> <li>• No dredging in intertidal areas.</li> <li>• No dredging within 100' of shellfish beds.</li> <li>• No dredging in areas designated as Critical Habitat for Atlantic salmon [see GC 8(b) &amp; (c)].</li> <li>• For dredging in tidal waters outside of Atlantic salmon critical habitat, applicants must contact NMFS (see GC 8) to ensure no impacts to listed species such as shortnose sturgeon, Atlantic sturgeon, and listed sturgeon critical habitat.</li> <li>• Project proponents must contact the USFWS for work on coastal beaches to ensure no impacts to piping plovers, roseate terns, rufa red knot, or their habitat [see GC 8(c)].</li> <li>• No underwater blasting.</li> </ul> <p>2. Maintenance dredging is not eligible for Category 1 if conducted in tidal portions of the Penobscot river upstream of a line extending from Turner point in Castine to Moose Point (formerly Squaw Point) on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling point in Arrowsic to Hospital Point in West Bath.</p> | <p>1. Maintenance dredging<sup>10</sup> ≥1,000 CY, new dredging &lt;25,000 CY, or projects not meeting Category 1. Includes return water from upland contained disposal areas. Disposal includes:</p> <ul style="list-style-type: none"> <li>• Upland.</li> <li>• Beach nourishment (above mean high water) of any area provided the dredging's primary purpose is navigation or the sand is from an upland source.</li> <li>• Open water &amp; confined aquatic disposal, if Corps finds the material suitable.</li> </ul> <p>2. Beach nourishment associated with dredging when the primary purpose is not navigation requires at least a Category 2 review.</p> <p>3. Maintenance or new dredging<sup>10</sup> and/or disposal in or affecting a SAS<sup>3</sup> requires an Individual Permit.</p> |



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| <b>6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges</b>                 | <p>1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard authorizes such discharges as part of the bridge permit or appropriate approval.</p> <p>2. Causeways and approach fills are not included in this category and require Category 2 or Individual Permit authorization.</p>   | <p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul>  |
| <b>7. Bank and Shoreline Stabilization</b>   | <p>1. Bank stabilization projects &lt;200 linear feet provided:</p> <ul style="list-style-type: none"> <li>• ≤1 cubic yard of fill per linear foot placed along the bank waterward of high tide line. No fill or equipment will occur in SAS<sup>3</sup>.</li> <li>• Work conducted in the intertidal zone must be conducted in-the-dry during low water.</li> <li>• No structures angled steeper than 1H:1V and only rough-faced stone or fiber roll revetments allowed.</li> <li>• No driving of piles or sheeting.</li> </ul> <p>2. Bank stabilization projects in excess of 200 linear feet (Applicant or Applicant + Abutters combined) must undergo Category 2 review.</p> | <p>1. Work not eligible for Category 1.</p> <p>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul>   |
| <b>8. Residential, Commercial, Industrial, and Institutional Developments, and Recreational Facilities</b> | <p>Not Eligible</p>  | <p>1. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> <p>2. Conversions of previously authorized pile supported buildings over navigable waters to residences, offices, or other non-water dependent uses require at least a Category 2 review.</p> <p>3. Floating house boats or businesses on floats require Category 2 review.</p> |
| <b>9. Utility Line Activities</b>  | <p>1. Repair or maintenance of existing, currently serviceable, authorized utilities with no expansion or change in use:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• Trenching or filling is confined to the existing footprint.</li> <li>• In water work conducted between Nov 8 and Apr 9.</li> <li>• No new impact to SAS.</li> </ul> <p>3. <u>New work in, over, or under navigable waters</u> requires a PCN and Category 2 review.</p> <p>4. Except for aerial utility lines, work is not eligible for Category 1 if</p>   | <p>1. New or replacement installations or work not otherwise eligible for Category 1.</p> <p>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> <p>3. Particularly relevant is GC12</p>   |



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|  | conducted in tidal portions of the Penobscot river upstream of a line extending from Turner point in Castine to Moose Point (formerly Squaw Point) on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling point in Arrowsic to Hospital Point in West Bath.  |   |
| <b>10. Linear Transportation Projects</b><br><b>(Not Including Stream Crossings)</b>           | Not eligible  | <1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided: <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul>   |
| <b>11. Mining Activities</b>   | Not Eligible  | Not Eligible  |
| <b>12. Boat Ramps and Marine Railways</b>  | <ol style="list-style-type: none"> <li>1. No new impact to SAS</li> <li>2. Marine railway and boat ramp work not eligible for maintenance<sup>7</sup> (i.e. not currently serviceable<sup>7</sup>) may be replaced "in-kind" with minor deviations<sup>7</sup> provided: <ul style="list-style-type: none"> <li>• Work is in the intertidal zone.</li> <li>• No fill expansion below high tide line.</li> <li>• Work conducted in-the-dry during low water.</li> </ul> </li> <li>3. No new boat ramps or marine railways.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Work not eligible for Category 1</li> <li>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided: <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> </li> </ol> |
| <b>13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects</b> | Not Eligible  | <ol style="list-style-type: none"> <li>1. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided: <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> </li> <li>2. No new impoundments.</li> </ol>             |
| <b>14. Reshaping Existing Drainage Ditches and Mosquito Management</b>                         | <ol style="list-style-type: none"> <li>1. ≤500 linear feet of drainage ditch will be modified. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the U.S.).</li> <li>2. No new ditches or relocation of drainage ditches constructed in waters of the U.S.; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch.</li> </ol> | <ol style="list-style-type: none"> <li>1. Work not eligible for Category 1</li> <li>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided: <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> </li> </ol> |



|  | 3. No effect on federally listed endangered or threatened species or critical habitat   |   |
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| 15. Oil Spill and Hazardous Material Cleanup | <p>Jurisdictional activities required for the containment and cleanup of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. SAS<sup>3</sup> must typically be restored in place at the same elevation.</p> <p><i>Note: SVN<sup>F</sup> or a surrogate state reporting form may be submitted after the fact. No SVN<sup>F</sup> is required for Category 1 eligible containment booms.</i></p> | Work not eligible for Category 1  |
| 16. Cleanup of Hazardous and Toxic Waste     | <p>Not eligible - except for booms placed for hazardous and toxic waste containment and absorption and prevention which are eligible for SV.</p> <p><i>Note: No SVN<sup>F</sup> is required for Category 1 eligible containment booms.</i></p>  | <p>Specific jurisdictional activities with impacts of any area required to affect 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. Wetlands and other SAS must typically be restored in place at the same elevation to qualify.</p>  |
| 17. Scientific Measurement Devices           | <p>Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. Structures may not restrict or concentrate movement of aquatic organisms; no activity results in a hazard to navigation; and no activity requiring underwater blasting.</p>  | <p>1. Work not eligible for Category 1</p> <p>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> |
| 18. Survey Activities                        | <p>Jurisdictional survey activities such as exploratory drilling, surveying and sampling activities, excluding any biological sampling devices. Does not include any activity requiring underwater blasting, seismic exploratory operations, or oil and gas exploration and fill for roads or construction pads. No activity may result in a hazard to navigation.</p>  | <p>1. Work not eligible for Category 1</p> <p>2. &lt;1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in eelgrass<sup>14</sup> &lt;1000 SF.</li> <li>• Permanent fill in SAS (excluding eelgrass<sup>14</sup>) &lt;4300 SF.</li> </ul> |
| 19. Agricultural Activities                  | Not Eligible  | Not Eligible  |



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|--|---|--|
| <b>20. Fish &amp; Wildlife Harvesting, Enhancement and Attraction Devices and Activities (Not Aquaculture)</b> | Fish and wildlife harvesting, enhancement, and attraction devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, and clam and oyster digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This does not authorize artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. No activity that may result in a hazard to navigation.<br><i>Note: A SVNFI is not required for these Category 1 eligible devices and activities.</i>                            | 1. Work not eligible for Category 1.<br>2. Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impounded area $\leq \frac{1}{2}$ acre.<br><br>For Aquaculture operations, refer to Activity 24.  |
| <b>21. Habitat Restoration, Establishment and Enhancement Activities</b>                                       | 1. Culch placement in tidal waters is eligible for SV provided there are no salt marsh or vegetated shallow impacts.<br>2. SAS planting and transplanting $\leq 100$ SF in tidal waters;<br>3. No artificial or living reefs.<br>4. The activity is authorized in writing by a local, state, or non-Corps federal environmental agency. Water impoundments require PCN.<br>5. No conversion of i) a stream to wetland or vice versa, wetland to a pond or uplands, and ii) one wetland type to another.<br>6. No dam removal.<br>7. Shellfish habitat enhancement such as brushing the flats is eligible for Category 1, but not the use of netting which requires Category 2 review. | 1. Work not eligible for Category 1.<br>2. Aquatic habitat restoration, establishment and enhancement provided those activities are proactive and result in net increases in aquatic resource functions and services. <sup>8</sup>   |
| <b>22. Previously Authorized Activities</b>  | Any work not commenced nor completed that was authorized in a written letter from the Corps under the GP in effect between October 12, 2010 and October 12, 2015. The terms and general conditions of this GP apply along with any special conditions in the written authorization.   |  |
| <b>23. Stream &amp; Wetland Crossings</b>  | Not Eligible  | All temporary or permanent crossings of tidal navigable waters or adjacent tidal wetlands not eligible as maintenance require a PCN. GC 45 applies   |
| <b>24. Aquaculture</b>   | Not Eligible  | Shellfish & finfish aquaculture (with the exception of Atlantic salmon and any other salmonid, or other federally listed endangered or threatened species), or other aquaculture facilities with no more than minimal individual and cumulative impacts to environmental resources or navigation. This is inclusive but not limited to cages, nets, bags, racks, long lines, fences, posts, poles, predator screening, etc. Aquaculture guidelines are provided at: <a href="http://www.maine.gov/dmr/aquaculture/index.htm">www.maine.gov/dmr/aquaculture/index.htm</a> . |



## Endnotes/Definitions

<sup>1</sup>**Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (mean high water in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary high water mark and above the normal hydrologic influence of their adjacent waterbody. Note, with respect to the federally designated navigable rivers, the wetlands bordering and contiguous to the tidally influenced portions of those rivers are reviewed under "II. Navigable Waters."

## <sup>2</sup> **Direct, Secondary, and Cumulative Impacts/Effects:**

**Direct Impacts:** The immediate loss of aquatic ecosystem within the footprint of the fill.

**Secondary Impacts:** These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) fluctuating water levels in all impoundment and downstream associated with the operation of a dam, b) septic tank leaching and surface runoff from residential or commercial developments on fill, and c) leachate and runoff from a sanitary landfill located in waters of the U.S. Put another way, secondary effects are those impacts outside the footprint of the fill that arise from and are associated with the discharge of dredged or fill material, including the operation of an activity or facility associated with the discharge. Examples may include habitat fragmentation; interruption of travel corridors for wildlife (for example, for amphibians that migrate to and from seasonal or vernal pools used as breeding habitat); hydrologic regime changes; and impacts from operation and maintenance activities for constructed facilities; such as noise/lighting, storm water runoff, and road kill of wetland dependent wildlife. Using the directions contained in the guidelines, we consider the circumstances of a proposed discharge and the project of which it is a part to evaluate the scope, extent, severity, and permanence of direct, secondary, and cumulative adverse effects upon the aquatic ecosystem.

**Cumulative Impacts:** The extent of past, present, and foreseeable developments in the area may be an important consideration in evaluating the significance of a particular project's impacts. Although the impacts associated with a particular discharge may be minor, the cumulative effect of numerous similar discharges can result in a large impact. Cumulative impacts should be estimated only to the extent that they are reasonable and practical.

<sup>3</sup>**Special Aquatic Sites:** Includes wetlands and saltmarsh, mudflats, riffles and pools, and vegetated shallows (predominantly comprised of eelgrass in Maine).

<sup>4</sup>**Construction Mats:** Constructions, swamp and timber mats (herein referred to as "construction mats") are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they're installed temporarily or permanently.

<sup>5</sup>**Vernal Pools:** A vernal pool, also referred to as a seasonal forest pool, is a temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet or outlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition. For the purposes of this GP, the presence of any of the following species in any life stage in any abundance level/quantity would designate the waterbody as a vernal pool: fairy shrimp, blue spotted salamanders, spotted salamanders or wood frogs. The Corps may determine during a Category 2 review that a waterbody should not be regulated as a VP based on available evidence. For the purposes of this GP, the VP Management Areas are the: Vernal Pool Depression (includes the vernal pool depression up to the spring or fall high water mark, and includes any vegetation growing within the depression), Vernal Pool Envelope (area within 100 FT of the VP Depression's edge) and Critical Terrestrial Habitat (area within 100-750 FT of the Vernal Pool Depression's edge). [\*Note: Critical Terrestrial Habitat is defined as 100 -750 FT on page 243 of the document "Science and Conservation of Vernal Pools in Northeastern North America." Calhoun and deMaynadier, 2008, which is referenced in Appendix G, page 3, Paragraph 10(b).



**<sup>6</sup>Water Diversions:** Water diversions are activities such as bypass pumping or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.

**<sup>7</sup>Maintenance:** 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 -- "Activities occurring before certain dates," 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, or current construction codes or safety standards that are necessary to make repair, rehabilitation, or replacement are authorized.
  - Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
  - No seaward expansion for bulkheads or any other fill activity is considered Category 1 maintenance.
  - Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2), or in accordance with the Category 1 or 2 thresholds in Appendix A.
- b) The state's maintenance provisions may differ from the Corps and may require reporting and written authorization from the state.
- c) Contact the Corps to determine whether stream crossing replacements require a written application to the Corps for at least a Category 2 review.
- d) Exempted Maintenance. In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design."
- <sup>8</sup>Aquatic Habitat Restoration, Establishment and Enhancement:** The Corps will decide if a project qualifies and must determine in consultation with federal and state agencies that the net effects are beneficial. The Corps may refer to Nationwide Permit 27 published in the 3/12/07 Federal Register. Activities authorized here may include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands in inland waters; the construction of open water areas; the construction of native shellfish species habitat over unvegetated bottom for the purpose of habitat protection or restoration in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.
- <sup>9</sup>Brushing the Flats:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats to enhance recruitment of soft-shell clams (*Mya arenaria*).

**<sup>10</sup>Maintenance Dredging:** This includes only those areas and depths previously authorized by the Corps and dredged. The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of sediment to maintain the design depths of serviceable navigation channels, harbors, basins, marinas, boat launches, and port facilities. Maintenance dredging is conducted for navigational purposes and does not include any expansion of the previously dredged area or depth. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc.

**<sup>11</sup>Boating Facilities:** Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockminiums, etc.

**<sup>12</sup>Federal Navigation Projects (FNPs):** FNPs are comprised of Federal Channels and Federal Anchorages. See Appendix F for their location and contact the Corps for more information. "Horizontal Limits" is the outer edge of an FNP. "Buffer Zone" is equal to three times the authorized depth of that channel.

**<sup>13</sup>Horizontal Limits:** The outer edge of a Federal Navigation Project (FNP). See Appendix F and contact the Corps for information on FNP's.

**<sup>14</sup>Eelgrass (*Zostera marina*):** A type of rooted aquatic vegetation that exists in intertidal and shallow subtidal areas known as vegetated shallows. See [www.nonoa.gov/hcd/](http://www.nonoa.gov/hcd/) for eelgrass survey guidance. Note: Eelgrass surveys should be conducted between May and October unless otherwise directed.



<sup>15</sup> **Structures:** The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support beam.

<sup>16</sup> **Agricultural Activities:** The Clean Water Act exempts certain discharges associated with normal farming, ranching, and forestry activities such as plowing, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices (Section 404(f)(1)(A)). Applicants are strongly advised to contact the Corps for a determination of whether their activity is exempt or requires a permit.





**Appendix B: Self-Verification Notification Form**  
(for all tidal and non-tidal projects in Maine subject to Corps jurisdiction)

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

At least two weeks before work commences, complete **all** fields (write "none" if applicable) below or use the fillable form at [www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx). Send this form, a location map, any project plans, and an Official Species List (See GC 8) to the address noted below; fax to (207) 623-8206; or email to [jay.l.clement@usace.army.mil](mailto:jay.l.clement@usace.army.mil). The two-week lead time is not required for emergency situations (see page 4 for definition). Please call (207) 623-8367 with questions.

Maine Project Office  
U.S. Army Corps of Engineers  
New England District  
675 Western Avenue #3  
Manchester, Maine 04351

State Permit Number: \_\_\_\_\_  
Date of State Permit: \_\_\_\_\_  
State Project Manager: \_\_\_\_\_

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

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

Consultant/Engineer/Designer: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Wetland/Vernal Pool Consultant: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Project Location/Description: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Latitude/Longitude Coordinates: \_\_\_\_\_ Tax Map/Lot: \_\_\_\_\_  
Waterway Name: \_\_\_\_\_  
Work Description: \_\_\_\_\_

Provide any prior Corps permit numbers: \_\_\_\_\_  
Proposed Work Dates: Start: \_\_\_\_\_ Finish: \_\_\_\_\_

Area of wetland impact: \_\_\_\_\_ SF (leave blank if work involves structures & no fill in Navigable Waters)  
Area of waterway impact: \_\_\_\_\_ SF (leave blank if work involves structures & no fill in Navigable Waters)  
Area of compensatory mitigation provided: \_\_\_\_\_ SF

Work will be done under the following Appendix A categories (circle all that apply):

I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24  
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

Your name/signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions of Category 1 of the Maine General Permit.

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

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





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

## **Appendix C: Content of Pre-Construction Notification**

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

### **Information required for all projects:**

- ☐ Corps application form (ENG Form 4345) or appropriate state application form (see Appendix E). Forms may need to be supplemented to include the information noted below.
- ☐ Proof of notification to the SHPO and the appropriate THPOs (see Appendix E).
- ☐ Official Species List for any federally listed endangered or threatened species (Instructions at Appendix D)
- ☐ Drawings, sketches, or plans (detailed engineering plans and specifications are not required) that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), no larger than 11"x17", with bar scale. Wetland area impact sheets should have the highest resolution possible to show work within Corps jurisdiction (do not just reduce project overview or cut large-scale plan into quadrant sheets). Provide locus map and a plan overview of the entire property with a key index to the individual impact sheets. A locus map on a section of color USGS topographic map is encouraged. Digital submissions are encouraged.
- ☐ Include:
  - ☐ All direct, secondary, permanent and temporary effects the project would cause, including the anticipated amount of impacts to waters of the U.S. expected to result from the activity, in acres, linear feet, or other appropriate unit of measure.
  - ☐ Any historic permanent fill associated with each single and complete project.
  - ☐ Cross-section views of all wetland and waterway fill areas and wetland replication areas.
  - ☐ Delineation of all wetlands, other special aquatic sites (vegetated shallows, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Use Federal delineation methods and include Corps wetland delineation data sheets (see GC 2).
  - ☐ MLW and MHW elevations in tidal waters. Show the HTL elevations when fill is involved. Show OHW elevation in lakes and non-tidal streams.
  - ☐ Existing and proposed conditions.
  - ☐ For vegetated shallow and eelgrass survey guidance, see [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance for the New England Region.
  - ☐ Show all known VPs on the project site. See GC 23 for vernal pool identification requirements.
- ☐ Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below OHW in inland waters and below the HTL



in coastal waters.

- ☐ An Official Species List of federally “listed species or critical habitat” present in the action area (see GC 8).
- ☐ A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 43).

**Information that may be required:**

- ☐ Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
- ☐ For drawings, sketches, or plans:
  - ☐ The vertical datum for all coastal projects must be in U.S. survey feet and referenced to MLLW and current tidal epochs, with a reference chart showing conversion factor to NAVD88; do not use local datum. See [>> Forms and Publications >> Vertical Datum - FEMA \(Jul 2007\)](http://www.nae.usace.army.mil/missions/regulatory);
  - ☐ The horizontal state plane coordinates shall be in U.S. survey feet and based on the appropriate state plane coordinate system.
- ☐ For the construction of a filled area or pile or float-supported platform, the use of, and specific structures to be erected on, the fill or platform.
- ☐ For the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposing of it in ocean waters, the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of the disposal site.
- ☐ For the discharge of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized. Include either a statement describing how impacts to waters of the U.S. are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
- ☐ Purpose and need for the proposed activity;
- ☐ Limits and coordinates of any Federal Navigation Project in the vicinity of the project area.
- ☐ Limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide coordinates for all corners;
- ☐ Schedule of construction/activity;
- ☐ Names and addresses of adjoining property owners;
- ☐ Location and dimensions of adjacent structures;
- ☐ List of authorizations required by other Federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.
- ☐ Identification and description of potential impacts to Essential Fish Habitat (defined at VI. Definitions and Acronyms).
- ☐ Identification of potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area (see GC 19).
- ☐ Invasive Species Control Plan (see GC 24). For sample control plans, see [>> Invasive Species](http://www.nae.usace.army.mil/missions/regulatory).
- ☐ Wildlife Action Plan (WAP) maps. Contact Maine Inland Fisheries & Wildlife (Appendix E) or on line at [http://www.maine.gov/ifw/wildlife/conservation/action\\_plan.html](http://www.maine.gov/ifw/wildlife/conservation/action_plan.html)

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

- ☐ Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols. Sampling and testing of sediments without such



contact should not occur and if done, would be at the applicant's risk.

- ☐ The area in square feet and volume of material to be dredged below mean high water.
- ☐ Existing and proposed water depths.
- ☐ Type of dredging equipment to be used.
- ☐ Nature of material (e.g., silty sand).
- ☐ Any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects.
- ☐ Information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area.
- ☐ Shellfish survey.
- ☐ Location of the disposal site (include locus sheet).
- ☐ Identification and description of any potential impacts to Essential Fish Habitat.
- ☐ Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

**Information for aquaculture projects that may be required:**

- ☐ Maine Aquaculture guidelines and joint Corps/Maine DMR applications may be found at:  
[www.maine.gov/dmr/aquaculture/index.htm](http://www.maine.gov/dmr/aquaculture/index.htm).
- ☐ In addition to the information required above, applications must also include:
  - ☐ Whether canopy predator nets are being used.



## Appendix D: Instruction for USFWS iPac Project Builder/Official Species List

NOTE: These instructions are subject to change by the USFWS. Users should check this GP's Corps webpage for the latest instructions or click [here](#).

In your internet browser go to <http://ecos.fws.gov/ipac/>

1. Click on get started.
2. Click on enter project location.
3. Search or zoom to your project location. (You can enter an address and then zoom in with your mouse).
4. Define your area. (Select the polygon tool and click around the boundary of your project.) or (Use the draw a line tool for linear projects)

Note: You can change/select the map from Streets to Satellite or Topo in the lower left corner of the map.

5. Click finished drawing then click confirm and select continue.

6. On the next page under Tasks (lower left), select Request an official species list. The pane will open. Select "request official species list" again.

7. A new page will open. Fill in the project information blanks with the project name, brief description, project type, lead agency, and contact information. Be sure to check the box to verify this is a legitimate project. Click on Submit Official Species List Request.

8. You will be sent an e-mail with instructions to complete the request by clicking on the link provided.

9. The site will open Official Species List Request Completed. Under the Maine Ecological Services Field Office address you will see "Official Species List Document". Click on that link and your document will open. Save and or print a copy and **include the entire report with your application.**

Note, you will receive a second e-mail with the same information. You can save the link in the event you need to return to the IPaC site for an updated list.

If a period of time has passed since your initial "Official Species List" identifier number was generated, you may choose to generate an "UPDATED SPECIES LIST". To do this, return to the IPaC homepage at <http://ecos.fws.gov/ipac> site. In the middle of the page, click the purple "Need an updated species list" link.

On the request an "Updated Official Species List" page, complete the information in the boxes provided. You will need the project specific official consultation code generated and stated on the original official list as well as the email address entered with the original submission.

Click "Request Updated Species List". Print, or save.



## Appendix E: Contacts and Tribal Areas of Interest

### 1. Federal

U.S. Army Corps of Engineers  
Maine Project Office  
675 Western Avenue #3  
Manchester, ME 04351  
(207) 623-8367 (phone); (207) 623-8206 (fax)

Federal Emergency Management Agency  
99 High St.  
Boston, MA 02110  
(877) 336-2734 (phone)  
*(Flood Plain Management)*

U.S. Environmental Protection Agency  
5 Post Office Square  
Suite 100 (OEP05-2)  
Boston, MA 02109-3912  
(617) 918-1589 (phone)

National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930  
(978) 281-9102 (phone); (978) 281-9301 (fax)  
*(Federal endangered species & EFH)*

U.S. Fish and Wildlife Service  
Maine Field Office  
17 Godfrey Drive, Suite 2  
Orono, ME 04473  
(207) 866-3344 (phone); (207) 866-3351 (fax)  
*(Federal endangered species)*

National Park Service  
North Atlantic Region  
15 State Street  
Boston, MA 02109  
(617) 223-5203 (phone)  
*(Wild and Scenic Rivers)*

National Marine Fisheries Service  
Maine Field Office  
17 Godfrey Drive Suite 1  
Orono, ME 04473  
(207) 866-7379 (phone); (207) 866-7342 (fax)  
*(Federal endangered species)*

Commander (dpb)  
First Coast Guard District  
One South Street - Battery Bldg  
New York, NY 10004-1466  
(212) 668-7021 (phone); (212) 668-7967 (fax)  
*(bridge permits)*

### 2. State of Maine

#### a. Department of Environmental Protection *(State permits & Water Quality Certifications)*

Division of Land Resource Regulation  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, Maine 04333  
(207) 287-7688 (phone)

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
(207) 941-4570 (phone)

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
(201) 822-6300 (phone)

Northern Maine Regional Office  
1235 Central Drive - Skyway Park  
Presque Isle, Maine 04769  
(207) 764-0477 (phone)



b. Department of Agriculture, Conservation and Forestry

i. Maine Land Use Planning Commission (LUPC) (*State permits & Water Quality Certifications in the unorganized areas of the State*)

Augusta Office  
22 State House Station  
Augusta, Maine 04333-0022  
(207) 287-2631 (phone); (207) 287-7439 (fax)

Greenville Regional Office  
43 Lakeview Drive  
P.O. Box 1107  
Greenville, Maine 04441  
(207) 695-2466 (phone); (207) 695-2380 (fax)

Rangeley Regional Office  
133 Fyfe Road  
PO Box 307  
West Farmington, ME 04992  
(207) 670-7493 (phone); (207) 287-7439 (fax)

Downeast Regional Office  
106 Hogan Rd, Suite 8  
Dorothea Dix Complex  
Bangor, Maine 04401  
(207) 941-4052 (phone); (207) 941-4222 (fax)

Ashland Regional Office  
45 Radar Road  
Ashland, ME 04732-3600  
(207) 435-7963 (phone); (207) 435-7184 (fax)

East Millinocket Regional Office  
191 Main Street  
East Millinocket, ME 04430  
(207) 746-2244 (phone); (207) 746-2243 (fax)

ii. Maine Coastal Program

Department of Agriculture, Conservation and Forestry  
Bureau of Resource Information and Land Use Planning  
17 Elkins Lane {physical address}  
State House Station 93  
Augusta, Maine 04333-0038  
(207) 287-2801 (phone); (207) 287-2353 (fax)  
(*CZM consistency determinations*)

iii. Division of Parks and Public Lands

22 State House Station  
Augusta, Maine 04333  
(207) 287-3061 (phone); (207) 287-6170 (fax)  
(*submerged lands leases*)

c. Department of Marine Resources

P.O. Box 8  
West Boothbay Harbor, Maine 04575  
(207) 633-9500 (phone); (207) 624-6024 (fax)  
(*aquaculture leases*)

**3. Historic Properties**

a. State Historic Preservation Officer (SHPO)

Mr. Kirk F. Mohny, Director



Maine Historic Preservation Commission (MHPC)  
65 State House Station  
Augusta, Maine 04333-0065  
(207) 287-2132 (phone); (207) 287-2335 (fax)  
Area of concern: The entire State of Maine

b. Tribal Historic Preservation Officers (THPOs)

Note: The area of concern for each tribe is the entire State of Maine

THPO & Environmental Planner  
*Houlton Band of Maliseet Indians*  
88 Bell Road  
Littleton, Maine 04730  
(207) 532-4273, x215 (phone)  
(207) 532-6883 (fax)  
envplanner@maliseets.com  
ogs1@maliseets.com

THPO  
*Passamaquoddy Tribe of Indians*  
Pleasant Point Reservation  
P.O. Box 343  
Perry, Maine 04667  
(207) 853-2600 (phone); (207) 853-6039 (fax)  
soctomah@gmail.com

THPO  
*Passamaquoddy Tribe of Indians*  
Indian Township Reservation  
P.O. Box 301  
Princeton, Maine 04668  
(207) 796-2301 (phone)  
(207) 796-5256 (fax); soctomah@gmail.com

THPO  
*Aroostook Band of Micmacs*  
7 Northern Road  
Presque Isle, Maine 04769  
(207) 764-1972 (phone); (207) 764-7667 (fax)  
jpictou@mimca-nsn.gov

THPO  
*Penobscot Nation*  
Cultural and Historic Preservation Dept.  
12 Wabanaki Way  
Indian Island, Maine 04468  
(207) 817-7471 (phone)  
chris.sockalexis@penobscotnation.org

4. **Organizational Websites (Note – Subject to Change):**

U.S. Army Corps of Engineers, N.E. District  
U.S. Army Corps of Engineers, Headquarters  
U.S. Environmental Protection Agency  
National Marine Fisheries Service  
U.S. Fish and Wildlife Service  
National Park Service  
Maine Department of Environmental Protection  
Maine Department of Agriculture,  
Conservation and Forestry  
Maine Land Use Planning Commission  
Maine Department of Marine Resources  
State of Maine - Aquaculture Guidelines

[www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx)  
See above link>>Useful Links>>Federal Agency Links  
[www.epa.gov/owow/wetlands](http://www.epa.gov/owow/wetlands)  
[www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)  
[www.fws.gov/mainefieldoffice](http://www.fws.gov/mainefieldoffice)  
[www.nps.gov/rivers/index.html](http://www.nps.gov/rivers/index.html)  
[www.maine.gov/dep](http://www.maine.gov/dep)  
[www.maine.gov/acf/index.shtml](http://www.maine.gov/acf/index.shtml)  
[www.maine.gov/doc/lupc/commission/offices.shtml](http://www.maine.gov/doc/lupc/commission/offices.shtml)  
[www.maine.gov/dmr/index.htm](http://www.maine.gov/dmr/index.htm)  
[www.maine.gov/dmr/aquaculture/index.htm](http://www.maine.gov/dmr/aquaculture/index.htm)



## Appendix F: Definitions

### Definitions

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

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

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

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

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

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

**Cumulative effects:** See “Direct, secondary, and cumulative effects.”

**Direct, secondary, and cumulative effects:**

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

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

**Cumulative Effects:** The changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual 1) discharges of dredged or fill material, or 2) structures. Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230(g).

**Dredging:**

**Maintenance Dredging:** Includes areas and depths previously authorized by the Corps and dredged. The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Routine maintenance dredging is conducted regularly for navigational purposes (typically at least once every ten years) and does not include any expansion of the previously dredged area or depth. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS,



shellfish, etc. The main characteristics of maintenance dredging projects are variable quantities of material; soft, uncompacted soil; contaminant content possible; thin layers of material; occurring in navigation channels and harbors; repetitive activity

**New Dredging:** Dredging of an area or to a depth that has never been authorized by the Corps or dredged.

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

**Essential Fish Habitat (EFH):** This is broadly defined to include those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

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

**Federal anchorages, Federal channels and Federal turning basin:** Refer to Appendix H for those in Maine

**Federal navigation projects (FNPs):** These areas are maintained by the Corps; authorized, constructed and maintained on the premise that they will be accessible and available to all on equal terms; and are comprised of Federal Anchorages, Federal Channels and Federal Turning Basins. The buffer zone is equal to three times the authorized depth of a FNP. More information on the following FNPs is provided at [www.nae.usace.army.mil/missions/navigation.aspx](http://www.nae.usace.army.mil/missions/navigation.aspx) >> Navigation Projects.

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

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

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

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

**Maintenance:** Regulations on maintenance are provided at 33 CFR 323.4. The following definitions are applicable:

**Minor deviations:** Deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, which are necessary to make repair, rehabilitation, or replacement are permitted, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal.

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

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

**Navigable waters of the U.S.:** See Waters of the U.S. below.

**Overall project:** See "single and complete linear project" below.



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

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

**Pre-construction notification (PCN):** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by this GP. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of these GPs. A PCN may be voluntarily submitted in cases where PCN is not required and the project proponent wants confirmation that the activity is authorized under this GP.

**Secondary effects:** See “Direct, secondary, and cumulative effects.”

**Single and complete linear project:** A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for the purposes of this GP. 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.

The overall project, for purposes of this GP, includes all regulated activities that are reasonably related and necessary to accomplish the project purpose.

**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. For non-linear projects, the single and complete project must have independent utility (see definition).

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

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

**Temporary impacts:** See permanent impacts above.

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

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

**Vernal pools (VPs):** For the purposes of this GP, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). Pools usually



support one or more of the following obligate indicator species: wood frog, spotted salamander, blue-spotted salamander, marbled salamander, Jefferson's salamander and fairy shrimp. However, they should preclude sustainable populations of predatory fish.

VP areas are:

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

Note: See footnote to GC 23. The Corps may determine during the PCN review that a waterbody should not be designated as a VP based on available evidence.

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

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

**Waters of the U.S. & Waters of the United States (U.S.):** The term waters of the U.S. and all other terms relating to the geographic scope of jurisdiction are defined at 33 CFR 328. Also see Section 502(7) of the Federal CWA [33 USC 1352(7)]. Waters of the U.S. include jurisdictional wetlands. Not all waters and wetlands are jurisdictional. Contact the Corps with any questions regarding jurisdiction.

**Navigable waters:** Refer to 33 CFR 329. These waters include the following federally designated navigable waters in New England. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list should not be taken as an indication that the waterbody is not navigable:

ME: All tidal waters; Kennebec River to Moosehead Lake; Penobscot River to the confluence of the East and West Branch at Medway, Maine; Lake Umbagog within the State of Maine.



## Appendix G: Additional References

### 1. GC 2: Federal Jurisdictional Boundaries.

(a) Corps Wetlands Delineation Manual, regional supplements, and Corps Wetland Delineation Data Sheets: [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) and then “Wetlands and Jurisdictional Limits.”

(b) The USFWS publishes the 1988 National List of Plant Species that Occur in Wetlands ([www.nwi.fws.gov](http://www.nwi.fws.gov)).

The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists: <http://soils.usda.gov/use/hydric>. For the Field Indicators for Identifying Hydric Soils in N.E., see [www.neiwpcc.org/hydricsoils.asp](http://www.neiwpcc.org/hydricsoils.asp).

### 2. GC 5: Single and Complete Project.

*Single and complete project* means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For example, if construction of a residential development affects several different areas of a headwater or isolated water, or several different headwaters or isolated waters, the cumulative total of all filled areas should be the basis for deciding whether or not the project will be covered by Category 1 or 2.

The *Independent utility* test is used to determine what constitutes a single and complete 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.

### 3. GC 8: Threatened and Endangered Species.

(a) The following NMFS site must be referenced to ensure that listed species or critical habitat are not present in the action area [GC 8(b)] or to provide information on federally-listed species or habitat [GC 8(e)]: [www.nero.noaa.gov/prot\\_res/esp/ListE&Tspec.pdf](http://www.nero.noaa.gov/prot_res/esp/ListE&Tspec.pdf). Contact the USFWS for information to check for the presence of listed species (see Appendix D for contact information & procedures).

(b) The Endangered Species Act Consultation Handbook – Procedures for Conducting Section 7 Consultations and Conferences, defines action area as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. [50 CFR 402.02].”

### 4. GC 42: Essential Fish Habitat.

As part of the GP screening process, the Corps may coordinate with NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “Essential Fish Habitat (EFH)”, and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” There are EFH waters throughout inland and coastal waters in Maine. For additional information, see the EFH regulations 50 CFR 600 at [www.nero.noaa.gov/hcd](http://www.nero.noaa.gov/hcd) including the “Guide for EFH Descriptions” at [www.nero.noaa.gov/hcd/list.htm](http://www.nero.noaa.gov/hcd/list.htm). Additional information on the location of EFH can be obtained from NMFS (see Appendix D for contact information).

### 5. GC 4: Avoidance, Minimization and Compensatory Mitigation.

(a) See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) and then “Mitigation” to view the April 10, 2008 “Final Compensatory Mitigation Rule” (33 CFR 332) and related documents. The Q&A document states: “In order to reduce risk and uncertainty and help ensure that the required compensation is provided, the rule establishes a preference hierarchy for mitigation options. The most preferred option

is mitigation bank credits, which are usually in place before the activity is permitted. In-lieu fee program credits are second in the preference hierarchy, because they may involve larger, more ecologically valuable compensatory mitigation projects as compared to permittee-responsible mitigation. Permittee-responsible mitigation is the third option, with three possible circumstances: (1) conducted under a watershed approach, (2) on-site and in kind, and (3) off-site/out-of-kind.

(b) Compensatory mitigation may take the form of wetland preservation, restoration, enhancement, creation, and/or in lieu fee (ILF) for inclusion into the Natural Resources Mitigation Fund for projects in DEP and LURC territories. Avoidance of wetland impacts will reduce the ILF dollar total for applicants. The ILF compensation program was established to provide applicants with a flexible compensation option over and above traditional permittee responsible compensation projects. See the Maine ILF Agreement at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory), "Mitigation" and then "Maine," or [www.maine.gov/dep/blwq/docstand/nrpa/ILF\\_and\\_NRCP/index.htm](http://www.maine.gov/dep/blwq/docstand/nrpa/ILF_and_NRCP/index.htm).

#### **6. GCs 24, 15, and 43: Invasive Species.**

(a) Information on what are considered "invasive species" is provided in our "Compensatory Mitigation Guidance" document at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Mitigation." The "Invasive Species" section has a reference to our "Invasive Species Control Plan (ISCP) Guidance" document, located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Invasive Species," which provides information on preparing an ISCP.

(b) The June 2009 "Corps of Engineers Invasive Species Policy" is at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Invasive Species" and provides policy, goals and objectives.

#### **7. GC 44: Bank Stabilization.**

This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. See the Corps Coastal Engineering Manual EM 1110-2-1100 at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Useful Links and Documents" for design and construction guidance.

#### **8. GC 45: Stream and Wetland Crossings.**

(a) Projects should be designed and constructed to ensure long-term success using the most recent manual located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Stream and River Continuity," currently "Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings, by the U.S. Forest Service." Section 5.3.3 is of particular importance. Sections 7.5.2.3 Construction Methods and 8.2.11 Stream-Simulation Bed Material Placement both show important steps in the project construction.

(b) For more information on High-Quality Stream Segments and their components see:

i. High-Quality Stream Segments are shown at [www.maine.gov/dep/gis/datamaps](http://www.maine.gov/dep/gis/datamaps).

ii. Class A Waters or Class AA Waters:

[www.mainelegislature.org/legis/statutes/38/title38sec465.html](http://www.mainelegislature.org/legis/statutes/38/title38sec465.html), and

[www.mainelegislature.org/legis/statutes/38/title38sec467.html](http://www.mainelegislature.org/legis/statutes/38/title38sec467.html).

iii. Outstanding river segments [www.mainelegislature.org/legis/statutes/38/title38sec480-P.html](http://www.mainelegislature.org/legis/statutes/38/title38sec480-P.html).

(c) The Massachusetts Dam Removal and the Wetland Regulations offer guidance to evaluate the positive and negative impacts of culvert replacement, including the loss of upstream wetlands, which may be offset by the overall benefits of the river restoration. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) and then "Stream and River Continuity."



(d) The ME DOT's document "Waterway and Wildlife Crossing Policy and Design Guide for Aquatic Organism, Wildlife Habitat, and Hydrologic Connectivity," 3rd Edition, July 2008, may be used as guidance to evaluate impacts to aquatic, wildlife and surface water resources when designing, constructing, repairing and maintaining stream crossings. Note: Adherence to this DOT document does not ensure compliance with this GP. Projects must comply with the requirements of this GP including GC 45 and the Corps General Stream Crossing Standards contained therein.

[www.maine.gov/mdot/environmental-office-homepage/fishpassage/3rd%20edition%20-%20merged%20final%20version%207-01-08a1.pdf](http://www.maine.gov/mdot/environmental-office-homepage/fishpassage/3rd%20edition%20-%20merged%20final%20version%207-01-08a1.pdf).

(e) GC 45(f): The Skidder Bridge Fact Sheet at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under "Stream and River Continuity" may be a useful temporary span construction method.

**9. GC 45: Wetland Crossings.** The Maine DEP's crossing standards are at 06-096 DEP, Chapter 305: Permits by Rule, 9 & 10) Crossings (utility lines, pipes and cables).  
[www.maine.gov/dep/blwq/rules/NRPA/2009/305/305\\_effective\\_2009.pdf](http://www.maine.gov/dep/blwq/rules/NRPA/2009/305/305_effective_2009.pdf)

**10. GC 23: Protection of Vernal Pools.**

(a) The state's Significant Wildlife Habitat rules (Chapter 335, Section 9(C) "Habitat management standards for significant vernal pool habitat") are located at [www.maine.gov/dep/blwq/docstand/nrpapage.htm#rule](http://www.maine.gov/dep/blwq/docstand/nrpapage.htm#rule) under "Rules."

(b) The following documents provide conservation recommendations:

i. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial development in the northeastern U.S., Calhoun and Klemens, 2002. Chapter III, Management Goals and Recommendations, Pages 15 – 26, is particularly relevant. (Available for purchase at [www.maineaudubon.org/resource/index.shtml](http://www.maineaudubon.org/resource/index.shtml) and on Corps website\*.)

ii. Science and Conservation of Vernal Pools in Northeastern North America, Calhoun and deMaynadier, 2008. Chapter 12, Conservation Recommendations section, Page 241, is particularly relevant. (Available for purchase via the internet. Chapter 12 is available on Corps website\*.)

\* [www.nae.usace.army.mil/reg](http://www.nae.usace.army.mil/reg) under "Vernal Pools."

(c) Cape Cod Curbing: For smaller roads and driveways, the most important design feature to consider is curbing. Granite curbs and some traditional curbing can act as a barrier to amphibian and hatchling turtle movements. Large numbers of salamanders have been intercepted in their migrations by curbs and catch basins. Use of Cape Cod curbs rather than traditional curbing may be one solution. Alternatively, where storm water management systems require more traditional curbing, it may be possible to design in escape ramps on either side of each catch basin. Cape Cod curbing is shown on Page 35 of the document cited in 10.b.i above. Bituminous material is not required; other materials such as granite are acceptable.

(d) The VP Directional Buffer Guidance document is located at [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) under: 1) "State General Permits" and then "Maine," and 2) "Vernal Pools."

**11. GC 29: Maintenance.** River restoration projects that are designed to accommodate the natural dynamic tendencies of the fluvial system are maintained in accordance with the project's design objectives (Category 1) or the Corps authorization letter (Category 2). These projects are generally designed to support and implement channel assessment and management practices that recognize a stream's natural dynamic tendencies.

## Appendix H: Federal Navigation Projects in Maine

