



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

June 5, 2026

Regulatory Division

Jessica Damon
Director of Licensing Division
Bureau of Land Resources
17 State House Station
Augusta, Maine 04333-0022
Sent Via: Jessica.Damon@maine.gov

Reference: 2026 Regional General Permits
401 Water Quality Certification
(Request for Certification)

Dear Ms. Damon:

The U.S. Army Corps of Engineers, New England District (Corps) is preparing to issue Regional General Permits (RGPs) and associated general conditions and definitions. The Corps sent RGP drafts to the Maine Department of Environmental Protection (ME DEP) on May 15, 2026 for early review prior to the public notice. The RGP public notice will be posted to the New England District website on June 15, 2026.

Under Section 401 of the Clean Water Act (CWA), an activity which may result in a discharge into waters of the U.S. that is authorized by a Federal permit must receive a CWA Section 401 Water Quality Certification (WQC), or waiver, from the appropriate certifying authority. This process allows the certifying authority an opportunity to ensure that any discharge will comply with applicable water quality requirements.

In accordance with 40 CFR 121.5, this letter and its attachments serve as the request for certification. As required in 40 CFR 121.5(a)(2), the RGPs include readily available water quality-related materials that informed the development of the RGPs.

Information required in a certification request to the Maine certifying authority, as defined at 40 CFR 121.5(b), is in the draft RGPs, except for 40 CFR 121.5(b)(7) documentation that a pre-filing meeting request was submitted. The Corps submitted the pre-filing meeting request to the Maine certifying authority on May 1, 2026, as shown in the attachment.

The date of this letter serves as the date on which the reasonable period of time begins. The reasonable period of time for certifying authorities to act on the proposed RGPs reissuance is six months (180 days), in accordance with 40 CFR 121.6. This provides a consistent reasonable period of time for all certifying authorities. The

reasonable period of time ends on December 1, 2026. Certifying authorities can act on the certification request for the proposed RGPs in less time if they choose to do so.

The proposed categories of activities to be authorized by the RGPs, for which certification is requested, include:

- RGP A Boat Ramps
- RGP B Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking
- RGP C Structures and Moorings

We note that the Environmental Protection Agency regulations implementing Section 401 were revised in 2023. While the new regulations at 40 CFR 121 allow for the modification of a grant of certification upon the mutual agreement of the certifying authority and the Corps, conditions or other language that reserve the unilateral right of the certifying authority to modify or retract a certification are not allowed and may result in the Corps declining to rely on blanket certifications that contain such language.

In accordance with the Corps' regulations at 33 CFR 330.4(c), if you deny water quality certification for certain activities authorized by the proposed RGPs within Maine, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must first obtain an activity-specific water quality certification or waiver thereof from your office before proceeding under the RGP.

Thank you for your attention regarding this matter. The Corps looks forward to working with the Maine certifying authority throughout the water quality certification process for the proposed RGPs. If you have any questions regarding this request, please feel free to contact Amanda Sayles by telephone at (978) 318-8486 or by email at Amanda.L.Sayles@usace.army.mil.

Sincerely,



Tammy R. Turley
Chief, Regulatory Division

Enclosure – 2026 RGP 401 WQC pre-filing meeting request



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

June 5, 2026

Regulatory Division

Audie Arbo
Land Use Planning Commission
18 Elkins Lane
22 State House Station
Augusta, Maine 04333-0022
Sent via email: Audie.T.Arbo@maine.gov

Reference: 2026 Regional General Permits
401 Water Quality Certification
(Request for Certification)

Dear Ms. Arbo:

The U.S. Army Corps of Engineers, New England District (Corps) is preparing to issue Regional General Permits (RGPs) and associated general conditions and definitions. The Corps sent RGP drafts to the Maine Land Use Planning Commission (ME LUPC) on May 15, 2026 for early review prior to the public notice. The RGP public notice will be posted to the New England District website on June 15, 2026.

Under Section 401 of the Clean Water Act (CWA), an activity which may result in a discharge into waters of the U.S. that is authorized by a Federal permit must receive a CWA Section 401 Water Quality Certification (WQC), or waiver, from the appropriate certifying authority. This process allows the certifying authority an opportunity to ensure that any discharge will comply with applicable water quality requirements.

In accordance with 40 CFR 121.5, this letter and its attachments serve as the request for certification. As required in 40 CFR 121.5(a)(2), the RGPs include readily available water quality-related materials that informed the development of the RGPs.

Information required in a certification request to the Maine certifying authority, as defined at 40 CFR 121.5(b), is in the draft RGPs, except for 40 CFR 121.5(b)(7) documentation that a pre-filing meeting request was submitted. The Corps submitted the pre-filing meeting request to the Maine certifying authority on May 1, 2026, as shown in the attachment.

The date of this letter serves as the date on which the reasonable period of time begins. The reasonable period of time for certifying authorities to act on the proposed RGPs reissuance is six months (180 days), in accordance with 40 CFR 121.6. This

provides a consistent reasonable period of time for all certifying authorities. The reasonable period of time ends on December 1, 2026. Certifying authorities can act on the certification request for the proposed RGPs in less time if they choose to do so.

The proposed categories of activities to be authorized by the RGPs, for which certification is requested, include:

- RGP A Boat Ramps
- RGP B Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking
- RGP C Structures and Moorings

We note that the Environmental Protection Agency regulations implementing Section 401 were revised in 2023. While the new regulations at 40 CFR 121 allow for the modification of a grant of certification upon the mutual agreement of the certifying authority and the Corps, conditions or other language that reserve the unilateral right of the certifying authority to modify or retract a certification are not allowed and may result in the Corps declining to rely on blanket certifications that contain such language.

In accordance with the Corps' regulations at 33 CFR 330.4(c), if you deny water quality certification for certain activities authorized by the proposed RGPs within Maine, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must first obtain an activity-specific water quality certification or waiver thereof from your office before proceeding under the RGP.

Thank you for your attention regarding this matter. The Corps looks forward to working with the Maine certifying authority throughout the water quality certification process for the proposed RGPs. If you have any questions regarding this request, please feel free to contact Amanda Sayles by telephone at (978) 318-8486 or by email at Amanda.L.Sayles@usace.army.mil.

Sincerely,



Tammy R. Turley
Chief, Regulatory Division

Enclosure – 2026 RGP 401 WQC pre-filing meeting request



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

June 25, 2026

Regulatory Division

Erin Wilson
Federal Consistency Coordinator
Maine Coastal Program
21 State House Station
Augusta, ME 04333
(sent via email: erin.wilson@maine.gov)

Dear Ms. Wilson,

The U.S. Army Corps of Engineers, New England District (Corps) requests your concurrence with our consistency determination pursuant to Section 307(c)(1) of the Coastal Zone Management Act (CZMA) for three Regional General Permits (RGPs) and their associated terms and conditions within or affecting the coastal zone of Maine. These RGPs will apply to regulated activities in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The proposed categories of activities to be authorized by the RGPs, for which consistency concurrence is requested, include the following:

- RGP A Boat Ramps
- RGP B Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking
- RGP C Structures and Moorings

The New England District is proposing to condition the RGPs with the same general conditions and regional conditions issued as part of the Nationwide Permits. In addition to these conditions, the Corps has proposed General Condition 49. The New England District issued a public notice of these RGPs on June 15, 2026. That notice can be found here: <https://go.mil/Onm733ltfn>.

The New England District has determined that the activities authorized by these RGPs will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Maine's approved coastal zone management program. In accordance with 15 CFR 930.36(b), please provide your concurrence or objection to our consistency determination within 60 days. If you do not reach a final position on CZMA consistency before the end of the 60-day period, we will presume consistency concurrence in accordance with 15 CFR 930.41(a).

In accordance with the Corps' regulations at 33 CFR 325.2(b)(2), if you object with the Corps' CZMA consistency determination for certain activities authorized by the proposed

RGPs, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must obtain an activity-specific CZMA consistency concurrence or a presumption of concurrence. Upon concurrence by the state, or a presumption of concurrence, the activity would be authorized by the RGP.

Thank you for your prompt attention to this matter. We look forward to working collaboratively with the Maine Coastal Program throughout this consistency review process. Should you have any questions or require additional information, please contact Amanda Sayles at (978) 318-8486 or via email at Amanda.L.Sayles@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Malterud". The signature is fluid and cursive, with a large loop at the end.

Ryan Malterud
Deputy Chief
Regulatory Division



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
NEW ENGLAND DISTRICT OFFICE
696 VIRGINIA ROAD
CONCORD MASSACHUSETTS 01742-2751

Permit Title: Boat Ramps

Issuing Office: U.S. Army Corps of Engineers (Corps), New England District

Permit Type: Regional General Permit (RGP or permit)

Effective Date: MM/DD/YYYY

Expiration Date: MM/DD/YYYY

A. STATUTORY AUTHORITIES

Federal Authorities: An activity that is authorized under this RGP will be subject to the authorities listed below.

- a. Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR Part 322). The Corps regulates any structure in, over, or under any *navigable waters of the United States* (as defined in 33 CFR 329), and work such as excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.
- b. Section 404 of the Clean Water Act (see 33 CFR Part 323). The Corps regulates the discharge of dredged material or fill material and certain discharges associated with excavation into *waters of the United States* (as defined in 33 CFR 328), including wetlands. Exempt activities not requiring a Section 404 permit can be found at 33 CFR Part 323.4.

B. AUTHORIZATION AND APPLICABILITY

This RGP authorizes activities subject to Corps authority in waters of the U.S., including wetlands, navigable waters and adjacent ocean waters to the seaward limit of the outer continental shelf. This RGP is issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)]. Refer to the appropriate sections of this RGP for a description of eligible activities, thresholds, expiration, district procedures, and conditions. This RGP would extend impact limitations and activities beyond those of the Nationwide Permits (NWP) for certain categories of projects that, on a regional basis, would not result in more than minimal impact to aquatic resources and also cover categories of minor activities that otherwise do not qualify under a NWP.

1. **Area of Applicability:** Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

2. **Eligible Activities:** Activities required for the construction, repair, or replacement of boat ramps, provided the activity meets all of the following criteria:

- a. The combined width of a new boat ramp and all associated stabilization (including but not limited to stone aprons, riprap, or revetments) does not exceed 20 feet, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;
- b. The base material is crushed stone, gravel or other suitable material;
- c. The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and
- d. The discharge of dredged or fill material cannot cause the loss of greater than 2,000 square feet of special aquatic sites.
- e. Temporary structures and fills that are associated with construction access for activities a-d listed above.

Note: If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another regional general permit, nationwide permit, or an individual permit.

3. **Pre-Construction Notification (PCN) Threshold in Terms of RGP:** A PCN must be submitted to the district engineer for the following activities:

- The permanent discharge of dredged or fill material into waters of the United States exceeds 50 cubic yards.
- The combined width of the boat ramp and all associated stabilization (including but not limited to stone aprons, riprap, or revetments) exceeds 20 feet.
- The discharge of dredged or fill material occurs in a special aquatic site.

4. **Expiration:** This RGP expires on **MM/DD/YYYY**. Activities authorized under this RGP will remain authorized until the RGP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities authorized under this RGP that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have until **MM/DD/YYYY**, to complete the work. If work is not completed before this date, the permittee must contact the Corps. The Corps may issue a new authorization provided the project meets the terms and conditions of the RGP in effect at the time.

5. **Discretionary Authority:** The Corps may exercise discretionary authority to not authorize an activity under this RGP, and instead require review under individual permit procedures. Reasons discretionary authority may be exercised include potential for extraordinary circumstances which could have reasonably foreseeable

significant impacts, non-compliance with the Section 404(b)(1) Guidelines (40 CFR 230), public interest, and known appreciable opposition or controversy.

C. DISTRICT PROCEDURES

1. **Pre-Application Meeting Requests:** Pre-application meetings are optional, but advised when a prospective permittee is unsure about the appropriate permitting pathway. During these meetings, the Corps can assist with project-specific questions relating to mitigation, Essential Fish Habitat, Endangered Species, Section 408 Permission, Coastal Zone Consistency, and Section 401 Water Quality Certification to facilitate the submission of a complete PCN. Pre-application meeting requests should be submitted via the Regulatory Request System (RRS): <https://rrs.usace.army.mil/rrs>.
2. **Non-Notifying Activities:** If the activity is “non-notifying” and does not require submission of a PCN, the prospective permittee is responsible for ensuring the activity meets all applicable terms and conditions:
 - a. Terms of the RGP
 - b. General Conditions
 - c. State Water Quality Certification, if applicable
 - d. Environmental Protection Agency (EPA) Water Quality Certification, if applicable
 - e. State Coastal Zone Consistency, if applicable
3. **Pre-Construction Notification Reviews:** Prospective permittees must submit a PCN to the New England District when required by the terms of the RGP or general conditions. If a PCN is required, the prospective permittee shall submit a PCN in accordance with general condition 32(b). If the activity is in a special aquatic site, prospective permittees must submit a delineation in accordance with general condition 32(b)(5). PCN requests should be submitted via the RRS for a more streamlined review. Additionally, the prospective permittee shall not begin the activity until general condition 32(a)(1) or 32(a)(2) are satisfied.

D. GENERAL CONDITIONS

The General Conditions (GCs) ensure that activities authorized by this RGP will not cause more than minimal adverse environmental impacts, both individually and cumulatively. To qualify for RGP authorization, the prospective permittee must comply with all applicable GCs that are imposed by the district engineer. Specific GCs may require the prospective permittee to submit a PCN. If the activity exceeds a PCN threshold under any GC, the prospective permittee must submit a PCN to the district engineer.

General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple General Permits
29. Transfer of Regional General Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification
33. Specific Resource Areas
34. Discharges of Temporary Fill Material
35. Compensatory Mitigation
36. Essential Fish Habitat
37. RGP Documentation On-Site
38. Abandonment
39. Time-of-Year Restrictions/Windows in Connecticut
40. Time-of-Year Restrictions/Windows in Maine
41. Time-of-Year Restrictions/Windows in Massachusetts
42. Time-of-Year Restrictions/Windows in New Hampshire
43. Time-of-Year Restrictions/Windows in Rhode Island
44. Time-of-Year Restrictions/Windows in Vermont

- 45. Saint John and Saint Croix River Basins in Maine
- 46. Important or Rare Resources in Maine
- 47. Lake Champlain and Lake Memphremagog in Vermont
- 48. Underwater Archaeological Resources in Massachusetts
- 49. Navigation Risk Assessment
- 50. Invasive Species

1. Navigation.

a) No activity may cause more than a minimal adverse effect on navigation.

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

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

Note: Compliance with this condition can be achieved by ensuring no unreasonable interference with navigation by the existence or use of any activity authorized by any Regional General Permit (RGP), and no attempt made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to any activity authorized by any RGP.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

Note: Compliance with this condition may be achieved by ensuring that during in-stream work, the low flow channel/thalweg remains unobstructed during periods of low flow, except when it is necessary to perform the authorized work. Additionally, for work in tidal waters, in-stream controls should be installed in such a manner that do not obstruct fish passage.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

Maine Note: *Contact the Maine Department of Marine Resource (ME DMR) for further conservation measures if a proposed activity would result in excess turbidity (i.e., dredging) and is located within 100 feet of ME DMR shellfish areas. Reference material can be found at: <https://dmr-maine.opendata.arcgis.com/datasets/mainedmr-molluscan-shellfish-2010/explore?location=43.733484%2C-69.767928%2C10.43> and <https://mgs-maine.opendata.arcgis.com/datasets/maine-coastal-marine-geologic-environments/explore>.*

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

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

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

10. Fills Within 100-year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

Massachusetts Note: *For activities located within the Commonwealth of Massachusetts, activities may be required to comply with the Bordering Lands Subject to Flooding provisions of the Commonwealth's Wetland Protection Act. Prospective permittees should contact Massachusetts Department of Environmental Protection to determine whether this provision applies to their proposed activity(ies).*

Rhode Island Note: Any activities within riverine floodplain or floodway in Rhode Island, as defined in 250-RICR-150-15-3.4(A)(29) and (30) must demonstrate that the "Flood Protection Standard" described at 250-RICR-150-15-3.7.1(E) has been met as part of an application for a freshwater wetlands permit obtained from the RI Department of Environmental Management.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

If mats are used to minimize soil disturbance, the affected areas must be returned to pre-construction elevations, and revegetated as appropriate. In circumstances where the use of mats has caused significant soil compaction efforts using techniques (e.g., soil reaeration techniques) to break up the compaction should be employed to return the soil to a pre-construction state prior to returning to pre-construction elevations.

Notes: (1) *Compliance with this condition may be achieved through the implementation of best management practices outline in NAE's "Construction Mat Best Management Practices" document available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Permit-Resources/>.*

(2) *Compliance with this condition may be achieved by ensuring that construction equipment such as barges in tidal waters always provide adequate clearance above the substrate to avoid impacts to SAS during all tides.*

(3) *Compliance with this condition may be achieved by ensuring that construction equipment that would cross or access streams utilizes temporary bridges, spans, construction mats, culverts, or cofferdams to minimize disturbance to the waterway.*

(4) *The placement and operation of construction equipment, including barges, must avoid shading impacts to submerged aquatic vegetation to the maximum extent practicable and must not significantly disrupt normal hydrodynamics or sedimentation patterns.*

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Note: *Compliance with this condition may be achieved by ensuring that all discharge points back into waters of the U.S., including wetlands use appropriate energy dissipaters and erosion and sedimentation control best management practices (BMPs). Controls that are biodegradable can be left in place, but should be removed if they are not biodegradable. Temporary controls should be removed upon completion of work, but not before all exposed soil and other fills and any work waterward of the OHWM are permanently stabilized. Once permanently stabilized, temporary controls should be removed as soon as possible. Sediment and debris collected by these controls should be removed and placed at an upland location and in a manner that will prevent its later erosion into a waterway or wetland.*

Massachusetts Note: *In Massachusetts, compliance with this condition may be achieved by ensuring, as applicable, that all activities are compliant with the State of Massachusetts' Stormwater Management Standards at 314 CMR 9.06(6)(a)-(f) and the State of Massachusetts' Stormwater Handbook.*

13. Removal of Temporary Structures and Fills. Temporary structures must be removed to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

Note: *Compliance with this general condition may be achieved by underlying temporary fills with geotextile fabric which may help to facilitate the restoration to pre-construction elevations.*

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the district engineer to an RGP authorization.

Note: *Compliance with this general condition may be achieved by the complete removal, cutting, and/or driving to three feet below the substrate of derelict, degraded, or abandoned piles and sheet piles located in navigable waters of the U.S., except for those inside existing work footprints for piers to prevent interference with navigation. Existing creosote piles that are affected by project activities may be completely removed if practicable. In areas of fine-grained substrates, piles may be removed by the direct, vibratory or clamshell pull method to minimize sedimentation, and turbidity impacts and prevent interference with navigation from cut piles. Removed piles should be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate, or mudflats.*

15. Single and Complete Project. The activity must be a single and complete project. The same RGP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. a) No RGP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (unless the activity meets the exception listed below). Additionally, a PCN is required if the proposed RGP activity is located:

- i. 1/4-mile up- or downstream of a Wild and Scenic River (WSR) segment, or in tributaries within 1/4-mile of a WSR segment.
- ii. Any proposed activities that would be located in wetlands within 1/4-mile of a WSR segment.
- iii. Any proposed activities that have the potential to alter free-flowing characteristics in a WSR segment (unless the activity meets the exception listed below).

The district engineer will coordinate the PCN with the federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status.

c) Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

d) Exception: Prospective permittees may coordinate with the federal agency that has direct management responsibility of the WSR segment or tributary prior to submitting a PCN to the Corps. If the federal agency with direct management responsibility of the WSR segment or tributary determines that the proposed activity would not adversely affect the subject WSR, then a PCN is not required.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. a) No activity is authorized under any RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any RGP which "may affect" a listed species or critical habitat, unless ESA Section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA Section 7 consultation.

b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA Section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under Section 7 of the ESA.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized.

For activities that might affect federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-federal prospective permittee of the Corps' determination within 45 days of receipt of a complete pre-construction notification.

For activities where the non-federal prospective permittee has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the prospective permittee shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA Section 7 consultation or conference has

been completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

d) As a result of formal or informal consultation or conference with the (U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) the district engineer may add species-specific permit conditions to this RGP.

e) Authorization of an activity by an RGP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

f) If the non-federal permittee has a valid ESA Section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal permittee should provide a copy of that ESA Section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA Section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation conducted for the ESA Section 10(a)(1)(B) permit.

If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation for the ESA Section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA Section 7 consultation for the proposed RGP activity. The district engineer will notify the non-federal prospective permittee within 45 days of receipt of a complete pre-construction notification whether the ESA Section 10(a)(1)(B) permit covers the proposed RGP activity or whether additional ESA Section 7 consultation is required.

g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their web pages at <http://www.fws.gov/> or [http:// www.fws.gov/ipac](http://www.fws.gov/ipac) and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

Note: For information on how to comply with General Condition 18, please visit our website at <https://www.nae.usace.army.mil/missions/regulatory/endangered-species-act/>.

Note: Federal agencies should refer to “Multiple Federal Agency & Lead Federal Agency Best Practices” when a Corps permit is required, which can be found on the Corps’ webpage at: (This is a pending document and will be published on our website when completed.)

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. a) No activity is authorized under this RGP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed RGP activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if the RGP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed RGP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties.

Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith

effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed RGP activity has the potential to cause effects on historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of Section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

d) Where the non-federal prospective permittee has identified historic properties on which the proposed RGP activity might have the potential to cause effects and so notified the Corps, the non-federal prospective permittee shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects on historic properties or that NHPA Section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. If NHPA Section 106 consultation is required, the district engineer will notify the non-federal prospective permittee that he or she cannot begin the activity until Section 106 consultation is completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

e) Prospective permittees should be aware that Section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an prospective permittee who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the prospective permittee.

If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the prospective permittee, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

Note: The following link to the Corps' website provides SHPO and THPO contact information and additional procedures to expedite Corps regulatory review regarding the NHPA. Please contact the appropriate SHPO and/or THPO based on the geographic location of the regulated activity:

<https://www.nae.usace.army.mil/Missions/Regulatory/Historic-and-Tribal-Resources/>.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by an RGP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

a) Discharges of dredged or fill material into waters of the United States are not authorized by this RGP for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

b) For this RGP, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under this RGP only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).

b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition.

For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

e) Compensatory mitigation plans for RGP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns.

If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of

minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the RGPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the determination on the RGP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards,

monitoring requirements) may be addressed through conditions added to the RGP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the RGPs. For example, if an RGP has an acreage limit of 1/2-acre, it cannot be used to authorize this RGP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an RGP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for this RGP.

h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the RGP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

Note: Prospective permittees are encouraged to utilize the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) in order to determine which in-lieu fee programs and/or mitigation banks have a sufficient amount of appropriate and available credits which they may propose to use to offset their proposed activity's unavoidable impacts to waters of the U.S., including wetlands. RIBITS is available at <https://ribits.ops.usace.army.mil/ords/f?p=107:2> See also: Regional Condition I, Compensatory Mitigation.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal prospective permittees to demonstrate that the structures comply with established state or federal dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an RGP with CWA Section 401, a CWA Section 401 water quality certification for the proposed activity which may result in any discharge from a point source into waters of the United States must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the RGP, then the permittee must obtain a water quality certification or waiver for the proposed activity which may result in any discharge from a point source into waters of the United States in order for the activity to be authorized by an RGP.

b) If the RGP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an RGP with CWA Section 401, the proposed activity which may result in any discharge from a point source into waters of the United States is not authorized by an RGP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge into waters of the United States, the permittee must submit a copy of the certification to the district engineer. The discharge into waters of the United States is not authorized by an RGP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied (*i.e.*, by the issuance of a water quality certification or a waiver and completion of the Section 401(a)(2) process).

c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

Note: For information concerning how to apply to EPA for a Water Quality Certification for activities located within Tribal lands or within lands of exclusive federal jurisdiction, please see: <https://www.epa.gov/cwa-401/resources-when-epa-acts-certifying-authority-under-section-401> and/or contact: R1CWA401@epa.gov.

Connecticut Note: For information concerning how to apply to CTDEEP for a Water Quality Certification, please see: <https://portal.ct.gov/deep/permits-and-licenses/factsheets-inland-water/401-water-quality-certification-fact-sheet>.

Maine Note: For information concerning how to apply to LUPC or MEDEP for a Water Quality Certification, please see: <https://www.maine.gov/dep/water/wd/wqc/>.

Massachusetts Note: For information concerning how to apply to MassDEP for a Water Quality Certification, please see: <https://www.mass.gov/lists/wetlands-permitting-forms>.

New Hampshire Note: For information concerning how to apply to NHDES for a Water Quality Certification, please see: <https://www.des.nh.gov/water/rivers-and-lakes/water-quality-certification>.

Rhode Island Note: For information concerning how to apply to RIDEM for a Water Quality Certification, please see:
<https://dem.ri.gov/sites/g/files/xkqbur861/files/2025-06/wqcheck.pdf>.

Vermont Note: For information concerning how to apply to VTDEC for a Water Quality Certification, please see: <https://dec.vermont.gov/act250/watershed/business-support/water-quality-certification-section-401>.

26. Coastal Zone Management. In coastal states where an RGP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence in order for the activity to be authorized by an RGP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

Note: If an individual state coastal zone management consistency concurrence is required, prospective permittees should submit a consistency certification to the state (see 15 CFR 930.31(d)) at the same time as the PCN is submitted to the Corps, or shortly thereafter.

Connecticut Note: For information concerning how to apply to CTDEEP for a coastal zone management consistency certification, please see:
<https://portal.ct.gov/deep/coastal-resources/coastal-permitting/coastal-consistency>.

Maine Note: For information concerning how to apply to the Maine Office of Community Affairs for a coastal zone management consistency certification, please see:
<https://www.maine.gov/dmr/programs/maine-coastal-program/federal-consistency-review>.

Massachusetts Note: For information concerning how to apply to Mass CZM for a coastal zone management consistency certification, please see:
<https://www.mass.gov/federal-consistency-review-program>.

New Hampshire Note: For information concerning how to apply to NHDES for a coastal zone management consistency certification, please see:
<https://www.des.nh.gov/water/coastal-waters/federal-consistency>.

Rhode Island Note: For information concerning how to apply to CRMC for projects within the coastal zone, please see:
<https://www.crmc.ri.gov/applicationforms.html> and
https://www.crmc.ri.gov/regulations/fed_consistency.pdf.

27. Regional and Case-by-Case Conditions. The activity must comply with any regional conditions that may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple General Permits. The use of more than one General Permit (GP), i.e. Regional, Programmatic, and/or Nationwide, for a single and complete project is authorized, subject to the following restrictions:

a) The total acreage of loss of waters of the United States for a single and complete project cannot exceed the acreage limit of the GP with the highest specified acreage limit when multiple GPs are used to authorize an activity.

b) If only one of the GPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed that specified acreage limit.

c) If two or more of the GPs used to authorize the single and complete project have specified acreage limits, the acreage loss of waters of the United States authorized by each of those GPs cannot exceed the specified acreage limits of each of those GPs.

Note: If two or more GPs are used to authorize the single and complete project and they have two different expiration dates, the permittee must complete each activity before its corresponding GP expires.

29. Transfer of Regional General Permit Verifications. If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The successful completion of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the RGP verification letter. The certification document will include:

a) A statement that the authorized activity was done in accordance with the RGP authorization, including any general, regional, or activity-specific conditions;

b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an RGP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification. This includes all structures and work in, over, or under a Corps' federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance three times the FNP's authorized depth.

The activity may also require review and approval by the Corps pursuant to 33 USC 408 (Section 408 Permission). The prospective permittee may reach out to the points of contact listed here: <https://www.nae.usace.army.mil/Missions/Section-408/> and <https://www.nan.usace.army.mil/Missions/Regulatory/Section-408/> (for activities located within the Lake Champlain watershed) and consult the National Channel Framework mapper:

<https://experience.arcgis.com/experience/b413139f18c046009ebcf62abea941dd/page/M ap/>. For activities which require a Section 408 permission, verification under an RGP will

not be issued prior to the decision the Section 408 permission requires. Any structure or work constructed in an FNP, or its buffer zone shall be subject to removal at the owner's expense prior to any future Corps dredging or hydrographic surveys.

Prospective permittees should contact the Corps Real Estate Division (<https://www.nae.usace.army.mil/Missions/Real-Estate-Division/>) at (978) 318-8585 for work that would occur on or would potentially affect a Corps property (or properties) and/or Corps-controlled easements. Work may not commence on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents demonstrating site-specific permission to perform work.

A PCN is not required if a prospective permittee has previously obtained a Section 408 permission for their proposed activities, or a determination from the Corps that a Section 408 permission is not required for their proposed activities, and the proposed activities qualify for a non-notifying RGP.

Note: Refer to the New England District's Section 408 Program webpage that can be found at: <https://www.nae.usace.army.mil/Missions/Section-408/>. See also: Regional Condition B, Additional PCN Requirement (Federal Projects).

32. Pre-Construction Notification. a) Timing. Where required by the terms of the RGP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

1) the district engineer notifies the prospective permittee in writing that the activity may proceed under the RGP with any special conditions imposed by the district engineer; or

2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is

“no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed.

If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b) Contents of the Pre-Construction Notification: The PCN must include the following information:

- 1) Name, address and telephone numbers of the prospective permittee;
- 2) Location of the proposed activity;
- 3) Identify all GP(s) the prospective permittee proposes to use to authorize the proposed activity;
- 4) (i) A description of the proposed activity; the activity’s purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the RGP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other nationwide, regional, programmatic, or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.
- (ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an RGP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse

environmental effects of the proposed linear project, and does not change those non-PCN RGP activities into RGP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the RGP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

Note: To comply with the above GC 32(5), the following methodologies should be utilized:

(a) *Wetlands should be delineated in accordance with the Corps Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information can be found at:*
<http://www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands> and
<https://www.usace.army.mil/Media/Announcements/Article/4262089/1-august-2025-us-army-corps-of-engineers-enhances-aquatic-resource-delineation/>.

(b) *Refer to the “Best Practices for Jurisdictional Determinations and Wetland Delineations,” which can be found on the Corps webpage at:*
<https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/>. (This is a pending document and will be published on our website when completed.)

(c) *The ordinary high water mark should be delineated (on both sides) when streams, rivers, non-tidal open waters are present on the project site. Ordinary high water mark guidance can be found in RGL 05-05*
(<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1253>).

For complex, atypical, or problematic sites see:
<https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/>.

(d) *Vegetated shallows should be delineated when present on the project site. Vegetated shallow survey guidance and maps can be found on the Corps webpage at:*
<https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/>.

(e) All Essential Fish Habitat should be delineated when present on the project site. EFH survey guidance can be found in the current EFH programmatic, which can be found on the Corps webpage at <https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>.

6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the compensatory mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

8) For non-federal permittees, if the RGP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act;

9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

10) For an RGP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the prospective permittee has submitted a written request for Section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

c) Form of Pre-Construction Notification: The pre-construction notification form (Form ENG 6082) should be submitted via the Regulatory Request System (RRS).

d) Agency Coordination: 1) The district engineer will consider any comments from federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the RGPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required when: (1) the prospective permittee requests a waiver for a RGP activity, or (ii) the RGP activity exceeds 1/2 acre of loss.

(3) When agency coordination is required, the district engineer will immediately provide a copy of the complete PCN to the appropriate federal or state offices (USFWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). These agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a determination on the pre-construction notification.

The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the RGPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered.

(4) In cases of where the prospective permittee is not a federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

33. Specific Resource Areas. A PCN is required for any proposed activities that would result in the loss of waters of the U.S. that exceed the listed thresholds to the following aquatic resources if a PCN is not already required by the RGP.

Aquatic Resource	Threshold
Non-tidal Wetlands	4,356 square feet (1/10-acre)
Tidal and Non-Tidal Stream	200 linear feet or 3/100-acre (whichever is less)
Tidal Wetland	500 square feet
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet
Mudflat	1,000 square feet

Intertidal	1,000 square feet
------------	-------------------

34. Discharges of Temporary Fill Material. A PCN is required for any proposed activities that would involve the discharge of temporary fill (33 CFR 323.2(e) and (f)) greater than 1/10-acre to be left in place in non-tidal wetlands for more than one growing season. The growing season is generally defined as April 1 to September 30 (See the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* for more information about determining growing season. <https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/Wetland-Delineation-Manual/>).

Note 1: The Corps will determine on a case-by-case basis, after evaluating site-specific and activity-specific circumstances whether temporary construction mats proposed for use are considered as temporary fill.

Note 2: For linear projects, crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization (33 CFR 330.2(i)). Therefore, each crossing of a water of the U.S., including wetlands could have up to 1/10-acre of temporary fill without requiring the submittal of a PCN. *Prospective permittees should be aware that the definition of what constitutes a single and complete project per state regulations may differ from the Corps' definition. Prospective permittees should consult with the state in order to determine state requirements. *

35. Compensatory Mitigation. In addition to the requirements of RGP GC 23, Mitigation, compensatory mitigation requirements for unavoidable impacts to waters of the U.S. will be evaluated in accordance with the *New England District Compensatory Mitigation Standard Operating Procedures* (April 26, 2024) and any superseding versions thereof (<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>).

36. Essential Fish Habitat. Essential Fish Habitat (EFH) is defined as those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802). The following RGP activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RGP as applicable to the activity, including all activity thresholds and activity-specific Conservation Recommendations (CRs) identified in the current EFH and Fish and Wildlife Coordination Act (FWCA) Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>). The National Marine Fisheries Service (NMFS) has granted General Concurrence* (50 CFR 600.920(g)) for the below listed RGPs, and these activities do not require activity-specific EFH consultation.

[Consultation with NMFS in progress. Activities with general concurrence will be added once consultation is completed]

For non-federal prospective permittees whose proposed activities would be located within EFH and that do not require a PCN per the language of the RGP or per any other general or regional condition (i.e., non-notifying), the prospective permittee shall review the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) to ensure their proposed activity complies with all applicable CRs.

a) A PCN is required for any proposed project that would exceed the activity thresholds that are included within the current EFH and FWCA Programmatic Consultation. Any proposed project that exceeds an activity threshold requires preliminary coordination/project-specific consultation.

b) For all activities that do not exceed the activity-based thresholds included within the current EFH and FWCA Programmatic Consultation, the prospective permittee shall implement the activity-specific applicable CRs. If the applicable CRs cannot be implemented, a PCN must be submitted to the Corps, and work may not commence until the Corps verifies the project under the applicable RGP(s).

Federal prospective permittees should follow their own procedures for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and Fish and Wildlife Coordination Act.

Note 1: For activities proposed for authorization by an RGP that requires the submittal of a PCN, prospective permittees are encouraged to review the current EFH and FWCA Programmatic Consultation and design their proposed activities with the activity-based thresholds and incorporate applicable CRs.

Note 2: Prospective permittees can utilize the NMFS EFH mapper to determine if their proposed activities are located within EFH: <https://www.habitat.noaa.gov/apps/efhmapper/>. Prospective permittees can also utilize the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) for guidance on non-tidal waterbodies with diadromous fish.

37. RGP Documentation On-Site. The permittee shall ensure that a copy of their RGP verification letter (for notifying RGPs only) with all applicable GCs are at the worksite whenever work is being performed, and that all personnel performing work are fully aware of its terms and conditions.

38. Abandonment. If the permittee decides to abandon the activity authorized by an RGP, unless such abandonment is merely the transfer of property to another party, the permittee may be required to restore the area to the satisfaction of the Corps.

39. Time-of-Year Windows/Restrictions in Connecticut. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year

(TOY) work windows (i.e., work is allowed to occur), unless the State of Connecticut Department of Energy and Environmental Protection (CTDEEP) provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Unconfined Work	April 1 to June 30	July 1 to September 30
Installation and Removal of Controls in Non-Tidal Streams	----	July 1 to March 31*

*Controls must not encroach greater than 25 percent of the stream width measured from OHW during the prohibited work window.

For proposed activities that would be sited within Atlantic sturgeon critical habitat and/or anadromous waters but cannot follow the TOY windows/restrictions listed above, the prospective permittee should first coordinate with CTDEEP to obtain alternate TOY windows and/or restrictions for their proposed activities as well as any other activities conditions required or recommended by the state, prior to submitting a PCN to the Corps. For activities that require PCN submittal, in order to avoid delays in review, the prospective permittee should include documentation of this coordination and CTDEEP's required or recommended conditions with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely "in-the-dry" or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term "in-the-dry" means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

40. Time-of-Year Windows/Restrictions in Maine. In-water work (including physical alterations) within non-tidal and tidal waters, shall be conducted during the following time-of-year (TOY) work windows (see below table). Approval to work outside the TOY work windows must be obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using the form located at:

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in non-tidal waters or from the Maine Department of Marine Resources (DMR):

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in tidal waters. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window from IFW or DMR is not obtained, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the state's approval for working outside the TOY restriction shall be submitted with the PCN.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 2 to July 14	July 15 to October 1

Tidal Waters	April 16 to November 14	November 15 to April 15
--------------	-------------------------	-------------------------

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

41. Time-of-Year Windows/Restrictions in Massachusetts. A PCN is required for any proposed activity located in waters of the U.S. (excluding wetlands) that does not comply with the following time-of-year (TOY) restrictions, unless the Massachusetts Division of Marine Fisheries (MA DMF) provides alternate TOY restrictions. The TOY restrictions stated in Appendix B of the MA DMF Technical Report TR-47* can apply instead if they are provided for a specific waterbody where the activity is proposed. Additionally, if MA DMF provides project-specific TOY restrictions those may also apply in lieu of the TOY restrictions listed below.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 1 to June 30	July 1 to September 30
Tidal Waters and Diadromous Fish Migratory Habitat**	January 15 to November 15	November 16 to January 14

*Massachusetts Department of Marine Fisheries (MA DMF) Technical Report, TR-47, available at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>

**Information regarding diadromous fish migratory habitat can be obtained from the following GIS website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/info-details/massgis-data-diadromous-fish>.

For proposed activities that require a PCN, prospective permittees should first coordinate with the MA DMF to obtain TOY windows and/or restrictions for their activity. Prospective permittees should include documentation of this coordination when submitting their PCN.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

42. Time-of-Year Windows/Restrictions in New Hampshire. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the New Hampshire

Department of Environmental Services and/or New Hampshire Fish and Game provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	October 2 to July 4	July 5 to October 1
Tidal Waters	March 16 to November 14	November 15 to March 15

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate, species-specific, work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by the State of New Hampshire Department of Fish and Game. In order to avoid delays in review, the prospective permittee should include documentation of this coordination and authorization from NH Fish and Game with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

43. Time-of-Year Windows/Restrictions in Rhode Island. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless RIDEM and CRMC provide alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	November 1 to June 30	July 1 to October 31
Tidal Waters	February 1 to October 14	October 15 to January 31
Anadromous Waters	March 1 to June 30	July 1 to February 28/29

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by RIDEM. RIDEM may place additional constraints to protect anadromous fish species in the fall. In order to avoid delays in review, the prospective permittee should include documentation of this coordination and authorization from RIDEM with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

44. Time-of-Year Windows/Restrictions in Vermont. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY)

work windows (i.e., work is allowed to occur), unless the Vermont Department of Environmental Conservation (DEC) provides alternate TOY restrictions. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window is not obtained from DEC, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the above-mentioned approval for working outside the below TOY restriction shall be submitted with the PCN when received.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	October 1 to June 30	July 1 to September 30

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

45. Saint John and Saint Croix River Basins in Maine. A PCN is required for any proposed work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction, or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the boundary; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

46. Important or Rare Resources in Maine. A PCN is required for any proposed discharges of dredged or fill material within any of the following aquatic resources or resource types identified as specifically important or rare within the State of Maine which warrant additional protections:

- a) Lakes and tributaries that support arctic char and lake whitefish; or
- b) Bogs and fens

47. Lake Champlain and Lake Memphremagog in Vermont. A PCN is required for any discharge of fill material that exceeds 10 cubic yards below the plane of the ordinary high water mark of Lake Champlain and Lake Memphremagog and/or these lakes' adjacent wetlands.

48. Underwater Archaeological Resources in Massachusetts. Under Massachusetts General Law Ch. 6, s.'s 179-180, and Ch. 91, s. 63, the Board of Underwater Archaeological Resources (BUAR) has statutory jurisdiction within state waters and is the sole trustee of the Commonwealth's underwater heritage, charged within the responsibility of encouraging the discovery and reporting, as well as the preservation

and protection of underwater archaeological resources. Underwater archaeological resources located within the waters of the Commonwealth of Massachusetts are property of the Commonwealth, which holds title to these resources and retains regulatory authority over their use. Under Massachusetts General Law, no person, organization or corporation may “remove, displace, damage, or destroy” any underwater archaeological resources located within the Commonwealth’s submerged lands except through consultation with the BUAR and in conformity with the permits it issues. <https://www.mass.gov/orgs/board-of-underwater-archaeological-resources>.

49. Navigation Risk Assessment. A PCN is required for any modification or expansion of an existing mooring field, unless a U.S. Coast Guard Navigation Risk Assessment (NRA) results in a “Low Risk” determination. If the prospective permittee receives a “Medium Risk” or “High Risk” assessment, they must submit a PCN to the Corps. Prospective permittees who do not complete an NRA for their mooring field activity must submit a PCN to the Corps.

Navigation Risk Assessment, Aids to Navigation (AtoN), and Charting:

- i. Coordination with the USCG can be completed by contacting via email: D01-SMB-SecNNE-Waterways@uscg.mil.

The prospective permittee shall provide the following information to facilitate completion of the NRA: applicant name/company affiliation, nautical chart, detailed drawing with dimensions, time of year, potential lighting/markings, types/materials of structures in water, planned anchoring, and any other significant information.

Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, must be installed and maintained at the permittee's expense. For required permitting, the prospective permittee shall contact USCG First District Private Aid Program Manager through D01-SMB-D01PrivateAtoN@uscg.mil. Only actual AtoNs are permitted; floats, balls, markers, mooring balls and ‘highflier flags’ are not considered Aids to Navigation (AtoN). See: <http://www.usharbormaster.com>.

Prospective permittees shall notify NOAA’s National Ocean Service (NOS) Nautical Data Branch Office of Coast Survey to initiate chart and Coast Pilot corrections. See: <https://nauticalcharts.noaa.gov/>. Prospective permittees must also notify NOAA on removal. See Note 2 below.

- ii. For marine safety information during construction or other significant periods, prospective permittees may use the First District’s Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil.

Note 1: If a PCN is required, prospective permittees shall include documentation of all required coordination with their PCN.

50. **Invasive Species:** The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or into areas adjacent to the project site caused by the site work shall be avoided. Native, non-invasive vegetation must be used unless otherwise authorized by the Corps, and shall not contain any species listed in Appendix K (“Invasive and Other Unacceptable Plant Species”) of the current New England District Compensatory Mitigation Standard Operating Procedures located at:

<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>. Equipment shall be thoroughly cleaned before and after project construction to prevent the spread of invasive species. This includes, but is not limited to, tire treads and construction mats. Information about how to avoid the spread of invasive species can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species>.

E. DEFINITIONS

Term	Definition
Baseline	Generally, the low water line along the coast, but where the coast is deeply indented, the baseline may be a straight line joining appropriate points.
Beach nourishment	The placement of sediment, usually sand, directly on or adjacent to an eroding beach.
Beneficial use	The practice of using sediments obtained during dredging for productive purposes rather than simply disposing of them.
Best Management Practices (BMPs)	Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.
Biodegradable	A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable under this GP.
Boating Facilities	These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, municipal facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or municipal mooring fields that charge an equitable user fee based on the actual costs incurred.

U.S. Army Corps of Engineers, New England District, Regulatory Division
Boat Ramps Regional General Permit

Compensatory Mitigation	The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved. Must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx .
Confined Aquatic Disposal (CAD) cell	An engineered, underwater containment facility specifically designed for the safe and permanent disposal of contaminated sediments removed during dredging operations.
Confined Disposal Facility (CDF)	A structure built with dikes or berms on land or in shallow water to create an enclosed containment area. The dredged material is placed inside, where it eventually dewateres and consolidates, creating new upland.
Construction Mats	Construction, 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 Impacts	The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.1). Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230.11(g).
Currently Serviceable	Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
Discharge	The term "discharge" means any discharge of dredged or fill material into waters of the United States.
Direct Effects	Effects that are caused by the activity and occur at the same time and place.

U.S. Army Corps of Engineers, New England District, Regulatory Division
Boat Ramps Regional General Permit

Dredged material	Defined at 33 CFR 323.2(c) and (d). Dredged material is material that is excavated or dredged from waters of the U.S.
Enhancement	The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.
Ephemeral Stream	A stream with flowing water only during, and for a short duration, after precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.
Erosion Controls	Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.
Establishment (Creation)	The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.
Fill material & discharge of fill material	Defined at 33 CFR 323.2 (e) & (f). Material placed in waters of the U.S. where it 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. Fill material does not include any pollutant discharged into the water primarily to dispose of waste.
High Tide Line	The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along the shore objects, a continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.
Historic Property	Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by

U.S. Army Corps of Engineers, New England District, Regulatory Division
Boat Ramps Regional General Permit

	the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).
Incidental fallback	The redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the U.S. when such material falls back to substantially the same place as the initial removal (33 CFR 323.2(d)(2)(iii)).
Indirect Effects	Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.
Improvement Dredging	For the purposes of this RGP, improvement dredging means dredging in a previously authorized currently serviceable area where dredging has occurred in the recent past. The proposed dredging will occur within the same footprint, but will be to depths greater than previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Loss of waters of the United States	Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.
Maintenance Dredging	For the purposes of this RGP, maintenance dredging means dredging in a previously authorized currently serviceable area where dredging has occurred. The proposed dredging will occur

U.S. Army Corps of Engineers, New England District, Regulatory Division
Boat Ramps Regional General Permit

	within the same footprint and to depths not exceeding that which has been previously authorized by the Corps. The Corps may consider a maintenance activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Mean high water	Line on the shore reached by the plane of the average high water. Where precise determination of the actual location of the line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the “apparent shoreline” which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the line reached by the mean high water.
Mean low water	The average height of all the low waters recorded over a specific 19-year period known as the National Tidal Datum Epoch (NTDE).
Nature-based Solutions	Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.
Navigable waters of the U.S.	Navigable waters of the U.S. are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. These waters are subject to Section 10 of the Rivers and Harbors Act of 1899 and are further defined at 33 CFR part 329.
Nearshore	An indefinite transitional zone extending seaward from the shoreline well beyond the breaker zone.
Nearshore placement	This is defined in the USACE Coastal Engineering Manual as “(1) In beach terminology an indefinite zone extending seaward from the shoreline well beyond the breaker zone. (2) The zone which extends from the swash zone to the position marking the start of the offshore zone, typically at water depths of the order of 20m.” A nearshore berm is an artificial berm built in shallow water using dredged material. Often, the berm is intended to renourish the adjacent and downdrift shore over time under the influence of waves and currents.
New Dredging	For the purposes of this RGP, new dredging means the specific area (i.e. footprint) has not been dredged previously, or dredging has not been previously authorized by the Corps, or dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as

U.S. Army Corps of Engineers, New England District, Regulatory Division
Boat Ramps Regional General Permit

	macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Non-tidal wetland	A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).
Ocean waters	Defined at 33 CFR 324.2(a) as those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone.
Open water placement (disposal)	The regulated process of placing sediment removed from navigation channels at designated aquatic sites in oceans, estuaries, lakes, or rivers.
Perennial stream	A perennial stream has surface water flowing continuously year round during a typical year.
Practicable	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
Preservation	The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.
Re-establishment	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.
Rehabilitation	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.
Restoration	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.
Special Aquatic Sites	These include wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, sanctuaries, and refuges as defined at 40 CFR 230.40 through 230.45 and 33 CFR 330.2.
Submerged Aquatic Vegetation	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Seaward	The limit of jurisdiction in the territorial seas, measured from the baseline in a seaward direction for a distance of three nautical miles.
Structure	An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.
Territorial sea	The belt of water extending three nautical miles seaward from the baseline.
Tidal Wetland	A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.
Transportation of dredged material	Defined at 33 CFR 324.2(c) as the conveyance and related handling of dredged material by a vessel or other vehicle.
Tribal Lands	Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.
Upland	Terrestrial communities are not normally subject to inundation. Dredged material can be used to construct or improve these habitats.
Vegetated shallows	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems. Note: These areas are also commonly referred to as submerged aquatic vegetation (SAV).

F. DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the RGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a prospective permittee requests authorization by a specific RGP, the district engineer should issue the RGP verification for that activity if it meets the terms and conditions of that RGP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and

cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the RGP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an RGP. If a prospective permittee requests a waiver of an applicable limit, the district engineer will only grant the waiver upon a written determination that the RGP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations, the district engineer will consider the direct and indirect effects caused by the RGP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an RGP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the RGP activity, the type of resource that will be affected by the RGP activity, the functions provided by the aquatic resources that will be affected by the RGP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the RGP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add activity-specific conditions to the RGP authorization to address site-specific environmental concerns.
3. If the proposed RGP activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Prospective permittees may also propose compensatory mitigation for RGP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the proposed

activity complies with the terms and conditions of the RGP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the RGP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the RGP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the RGP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the prospective permittee. The response will state that the RGP activity can proceed under the terms and conditions of the RGP, including any activity-specific conditions added to the RGP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed RGP activity are more than minimal, then the district engineer will notify the prospective permittee either: (a) that the activity does not qualify for authorization under the RGP and instruct the prospective permittee on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the RGP subject to the prospective permittee's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the RGP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the prospective permittee submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

G. FURTHER INFORMATION

1. District engineers have authority to determine if an activity complies with the terms and conditions of an RGP.
2. This RGP does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. This RGP does not grant any property rights or exclusive privileges.
4. This RGP does not authorize any injury to the property or rights of others.
5. This RGP does not authorize interference with any existing or proposed federal project (see general condition 31).



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
NEW ENGLAND DISTRICT OFFICE
696 VIRGINIA ROAD
CONCORD MASSACHUSETTS 01742-2751

Permit Title: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Issuing Office: U.S. Army Corps of Engineers (Corps), New England District

Permit Type: Regional General Permit (RGP or permit)

Effective Date: MM/DD/YYYY

Expiration Date: MM/DD/YYYY

A. STATUTORY AUTHORITIES

Federal Authorities: An activity that is authorized under this RGP will be subject to the authorities listed below.

- a. Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR Part 322). The Corps regulates any structure in, over, or under any *navigable waters of the United States* (as defined in 33 CFR 329), and work such as excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.
- b. Section 404 of the Clean Water Act (see 33 CFR Part 323). The Corps regulates the discharge of dredged material or fill material and certain discharges associated with excavation into *waters of the United States* (as defined in 33 CFR 328), including wetlands. Exempt activities not requiring a Section 404 permit can be found at 33 CFR Part 323.4.

B. APPLICABILITY AND ACTIVITY THRESHOLDS

This RGP authorizes activities subject to Corps authority in waters of the U.S., including wetlands, navigable waters and adjacent ocean waters to the seaward limit of the outer continental shelf. This RGP is issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)]. Refer to the appropriate sections of this RGP for a description of eligible activities, thresholds, exclusions, expiration, district procedures, and conditions. This RGP would extend impact limitations and activities beyond those of the Nationwide Permits (NWP) for certain categories of projects that, on a regional basis, would not result in more than minimal impact to aquatic resources and also cover categories of minor activities that otherwise do not qualify under a NWP.

1. **Area of Applicability:** Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

2. Eligible Activities:

- a. Dredging that does not exceed 1/2-acre in special aquatic sites, except within submerged aquatic vegetation where dredging must not exceed 1/10 acre.
- b. New dredging that does not exceed 1 acre, unless the district engineer waives this criterion by making a written determination concluding the work will result in no more than minimal adverse environmental effects.
- c. Maintenance and/or improvement dredging within previously authorized areas.¹
- d. In-water placement of dredged material within previously authorized Clean Water Act (CWA) disposal sites, confined aquatic disposal (CAD) cells, unconfined open water disposal, nearshore placement, and beach nourishment. In-water placement of dredged material is not authorized to occur in special aquatic sites.
- e. Beach nourishment not associated with dredging.
- f. Rock relocation.
- g. Rock and debris removal. Debris includes pieces of concrete, wood, derelict structures, artificial materials, refuse, beach wrack, and similar materials.
- h. Recreational beach grading and raking.
- i. Temporary structures and fills that are associated with construction access for activities a-h listed above.

Note: Refer to the following link for an updated map of these CWA disposal sites and beneficial use sites in the New England District:

<https://www.nae.usace.army.mil/missions/disposal-area-monitoring-system-damos/beneficial-use-of-dredged-material/beneficial-use-planning-map/>.

3. Pre-Construction Notification (PCN) Threshold in Terms of RGP: A PCN must be submitted to the district engineer for the following activities.

- Eligible Activities (a), (b), (d), and (e) listed above.
- Rock relocation or removal that exceeds 25 cubic yards.
- Dredging that occurs within tidal waters.
- Dredging that occurs in special aquatic sites.
- Dredging that occurs within 25 feet of submerged aquatic vegetation.

Note: If the project includes one activity that requires the submittal of a PCN, then all proposed activities for the project must be reviewed as a PCN.

4. Exclusions: Ocean dumping permits pursuant to Section 103 Marine Protection Research and Sanctuaries Act (MPRSA) are excluded from this RGP. Blasting associated with the regulated activities is excluded from this RGP.

¹ A previously authorized area is defined as a dredge footprint that received prior authorization from the Corps.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

5. **Expiration:** This RGP expires on **MM/DD/YYYY**. Activities authorized under this RGP will remain authorized until the RGP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities authorized under this RGP that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have until **MM/DD/YYYY**, to complete the work. If work is not completed before this date, the permittee must contact the Corps. The Corps may verify the project if it meets the terms and conditions of the RGP in effect at the time.
6. **Discretionary Authority:** The Corps may exercise discretionary authority to not authorize an activity under this RGP, and instead require review under individual permit procedures. Reasons discretionary authority may be exercised include potential for extraordinary circumstances which could have reasonably foreseeable significant impacts, non-compliance with the Section 404(b)(1) Guidelines (40 CFR 230), public interest, and known appreciable opposition or controversy.

C. DISTRICT PROCEDURES

1. **Sampling and Analysis of Dredged Material:** If in-water placement of dredged material is proposed, prospective permittees should contact the Corps as early as possible for sampling and testing protocols. Sediment testing, including physical (e.g., grain-size analysis), chemical, and biological testing may be required. Sampling and testing of sediments without such coordination should not occur, and if done, will be at the prospective permittee's risk. The information needed to develop a sampling and analysis plan can be found at:
<https://www.nae.usace.army.mil/Missions/Regulatory/Dredged-Material-Program/>.
2. **Pre-Application Meeting Requests:** A pre-application meeting request is advised for all activities that involve in-water placement of dredged material to determine requirements for a sampling and analysis plan (SAP) and obtaining the suitability determination (SD). The Corps can also assist with project-specific questions relating to mitigation, Dredge Quality Management, Essential Fish Habitat, Endangered Species, Section 408 Permission, Coastal Zone Consistency, and Section 401 Water Quality Certification to facilitate the submission of a complete PCN. Pre-application meeting requests should be submitted via the Regulatory Request System (RRS): <https://rrs.usace.army.mil/rrs>.
3. **Non-Notifying Activities:** If the activity is "non-notifying" and does not require submission of a PCN, the prospective permittee is responsible for ensuring the activity meets all applicable terms and conditions:
 - a. Terms of the RGP
 - b. General Conditions
 - c. State Water Quality Certification, if applicable

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

- d. Environmental Protection Agency (EPA) Water Quality Certification, if applicable
 - e. State Coastal Zone Consistency, if applicable
4. **Pre-Construction Notification Reviews:** Prospective permittees must submit a PCN to the New England District when required by the terms of the RGP or general conditions. If a PCN is required, the prospective permittee shall submit a PCN in accordance with general condition 32(b). If the activity is in a special aquatic site, prospective permittees must submit a delineation in accordance with general condition 32(b)(5). PCN requests should be submitted via the RRS for a more streamlined review. Additionally, the prospective permittee shall not begin the activity until general condition 32(a)(1) or 32(a)(2) are satisfied.
5. **Dredge Quality Management:** The National Dredging Quality Management (DQM) Program is a Corps of Engineers-dredging industry partnership for automated dredging monitoring. Onboard sensors monitor dredging activities, operations and efficiency. This data is routed to the Support Center for retrieval and storage. The software can aid in preparation of summary reports, plots, or spreadsheet compilations of dredge operations that assist in monitoring performance. This data can be used to improve business practices, ensure environmental compliance, and provide dredging information and data to increase our understanding of dredging science and technology.

The Corps generally requires DQM implementation for dredging activities verified under this RGP to confirm that dredging operations are in compliance with the terms and conditions of this RGP. Prospective permittees should contact the Corps during the initial planning phase to confirm if DQM would be required for their project, or if a case-specific waiver is appropriate for the dredging activity. If required, it is essential for the prospective permittee to verify that the dredging contractor maintains an operational DQM system on their vessel(s). If the Corps determines that Dredge Quality Management (DQM) is required for a dredging activity, the permittee must comply with all DQM protocols for the activity to be verified under this RGP.

Resources and Points of Contact: For questions about initial project planning with DQM, please contact the New England District Regulatory Division or visit the dredged material program website referenced above. Current DQM specifications and technical questions regarding certification or implementation can be found at the DQM Center website at <https://dqm.usace.army.mil/> or by contacting the center at DQMCenter@usace.army.mil or (877) 840-8024.

D. GENERAL CONDITIONS

The General Conditions (GCs) ensure that activities authorized this RGP will not cause more than minimal adverse environmental impacts, both individually and cumulatively. To qualify for RGP authorization, the prospective permittee must comply with all applicable GCs that are imposed by the district engineer. Specific GCs may require the prospective permittee to submit a PCN. If the activity exceeds a PCN threshold under any GC, the prospective permittee must submit a PCN to the district engineer.

General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple General Permits
29. Transfer of Regional General Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

33. Specific Resource Areas
34. Discharges of Temporary Fill Material
35. Compensatory Mitigation
36. Essential Fish Habitat
37. RGP Documentation On-Site
38. Abandonment
39. Time-of-Year Restrictions/Windows in Connecticut
40. Time-of-Year Restrictions/Windows in Maine
41. Time-of-Year Restrictions/Windows in Massachusetts
42. Time-of-Year Restrictions/Windows in New Hampshire
43. Time-of-Year Restrictions/Windows in Rhode Island
44. Time-of-Year Restrictions/Windows in Vermont
45. Saint John and Saint Croix River Basins in Maine
46. Important or Rare Resources in Maine
47. Lake Champlain and Lake Memphremagog in Vermont
48. Underwater Archaeological Resources in Massachusetts
49. Navigation Risk Assessment
50. Invasive Species

1. Navigation.

a) No activity may cause more than a minimal adverse effect on navigation.

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

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

***Note:** Compliance with this condition can be achieved by ensuring no unreasonable interference with navigation by the existence or use of any activity authorized by any Regional General Permit (RGP), and no attempt made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to any activity authorized by any RGP.*

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

***Note:** Compliance with this condition may be achieved by ensuring that during in-stream work, the low flow channel/thalweg remains unobstructed during periods of low flow, except when it is necessary to perform the authorized work. Additionally, for work in tidal waters, in-stream controls should be installed in such a manner that do not obstruct fish passage.*

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

Maine Note: Contact the Maine Department of Marine Resource (ME DMR) for further conservation measures if a proposed activity would result in excess turbidity (i.e., dredging) and is located within 100 feet of ME DMR shellfish areas. Reference material can be found at: <https://dmr-maine.opendata.arcgis.com/datasets/mainedmr-molluscan-shellfish-2010/explore?location=43.733484%2C-69.767928%2C10.43> and <https://mgs-maine.opendata.arcgis.com/datasets/maine-coastal-marine-geologic-environments/explore>.

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

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

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

10. Fills Within 100-year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

Massachusetts Note: For activities located within the Commonwealth of Massachusetts, activities may be required to comply with the Bordering Lands Subject to Flooding provisions of the Commonwealth's Wetland Protection Act. Prospective permittees should contact Massachusetts Department of Environmental Protection to determine whether this provision applies to their proposed activity(ies).

Rhode Island Note: Any activities within riverine floodplain or floodway in Rhode Island, as defined in 250-RICR-150-15-3.4(A)(29) and (30) must demonstrate that the "Flood Protection Standard" described at 250-RICR-150-15-3.7.1(E) has been met as part of an application for a freshwater wetlands permit obtained from the RI Department of Environmental Management.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

If mats are used to minimize soil disturbance, the affected areas must be returned to pre-construction elevations, and revegetated as appropriate. In circumstances where the use of mats has caused significant soil compaction efforts using techniques (e.g., soil reaeration techniques) to break up the compaction should be employed to return the soil to a pre-construction state prior to returning to pre-construction elevations.

Notes: (1) Compliance with this condition may be achieved through the implementation of best management practices outline in NAE's "Construction Mat Best Management Practices" document available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Permit-Resources/>.

(2) Compliance with this condition may be achieved by ensuring that construction equipment such as barges in tidal waters always provide adequate clearance above the substrate to avoid impacts to SAS during all tides.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

(3) Compliance with this condition may be achieved by ensuring that construction equipment that would cross or access streams utilizes temporary bridges, spans, construction mats, culverts, or cofferdams to minimize disturbance to the waterway.

(4) The placement and operation of construction equipment, including barges, must avoid shading impacts to submerged aquatic vegetation to the maximum extent practicable and must not significantly disrupt normal hydrodynamics or sedimentation patterns.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Note: Compliance with this condition may be achieved by ensuring that all discharge points back into waters of the U.S., including wetlands use appropriate energy dissipaters and erosion and sedimentation control best management practices (BMPs). Controls that are biodegradable can be left in place, but should be removed if they are not biodegradable. Temporary controls should be removed upon completion of work, but not before all exposed soil and other fills and any work waterward of the OHWM are permanently stabilized. Once permanently stabilized, temporary controls should be removed as soon as possible. Sediment and debris collected by these controls should be removed and placed at an upland location and in a manner that will prevent its later erosion into a waterway or wetland.

Massachusetts Note: *In Massachusetts, compliance with this condition may be achieved by ensuring, as applicable, that all activities are compliant with the State of Massachusetts' Stormwater Management Standards at 314 CMR 9.06(6)(a)-(f) and the State of Massachusetts' Stormwater Handbook.*

13. Removal of Temporary Structures and Fills. Temporary structures must be removed to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

Note: Compliance with this general condition may be achieved by underlying temporary fills with geotextile fabric which may help to facilitate the restoration to pre-construction elevations.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the district engineer to an RGP authorization.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Note: *Compliance with this general condition may be achieved by the complete removal, cutting, and/or driving to three feet below the substrate of derelict, degraded, or abandoned piles and sheet piles located in navigable waters of the U.S., except for those inside existing work footprints for piers to prevent interference with navigation. Existing creosote piles that are affected by project activities may be completely removed if practicable. In areas of fine-grained substrates, piles may be removed by the direct, vibratory or clamshell pull method to minimize sedimentation, and turbidity impacts and prevent interference with navigation from cut piles. Removed piles should be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate, or mudflats.*

15. Single and Complete Project. The activity must be a single and complete project. The same RGP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. a) No RGP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (unless the activity meets the exception listed below). Additionally, a PCN is required if the proposed RGP activity is located:

- i. 1/4-mile up- or downstream of a Wild and Scenic River (WSR) segment, or in tributaries within 1/4-mile of a WSR segment.
- ii. Any proposed activities that would be located in wetlands within 1/4-mile of a WSR segment.
- iii. Any proposed activities that have the potential to alter free-flowing characteristics in a WSR segment (unless the activity meets the exception listed below).

The district engineer will coordinate the PCN with the federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status.

c) Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency responsible for the designated Wild and Scenic River

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

d) Exception: Prospective permittees may coordinate with the federal agency that has direct management responsibility of the WSR segment or tributary prior to submitting a PCN to the Corps. If the federal agency with direct management responsibility of the WSR segment or tributary determines that the proposed activity would not adversely affect the subject WSR, then a PCN is not required.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. a) No activity is authorized under any RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any RGP which "may affect" a listed species or critical habitat, unless ESA Section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA Section 7 consultation.

b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA Section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under Section 7 of the ESA.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized.

For activities that might affect federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-federal prospective permittee of the Corps’ determination within 45 days of receipt of a complete pre-construction notification.

For activities where the non-federal prospective permittee has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the prospective permittee shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA Section 7 consultation or conference has been completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

d) As a result of formal or informal consultation or conference with the (U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) the district engineer may add species-specific permit conditions to this RGP.

e) Authorization of an activity by an RGP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

f) If the non-federal permittee has a valid ESA Section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal permittee should provide a copy of that ESA Section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA Section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation conducted for the ESA Section 10(a)(1)(B) permit.

If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation for the ESA Section 10(a)(1)(B) permit, the district engineer does

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

not need to conduct a separate ESA Section 7 consultation for the proposed RGP activity. The district engineer will notify the non-federal prospective permittee within 45 days of receipt of a complete pre-construction notification whether the ESA Section 10(a)(1)(B) permit covers the proposed RGP activity or whether additional ESA Section 7 consultation is required.

g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

Note: For information on how to comply with General Condition 18, please visit our website at <https://www.nae.usace.army.mil/missions/regulatory/endangered-species-act/>.

*Note: Federal agencies should refer to “Multiple Federal Agency & Lead Federal Agency Best Practices” when a Corps permit is required, which can be found on the Corps’ webpage at: **(This is a pending document and will be published on our website when completed.)***

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. a) No activity is authorized under this RGP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed RGP activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if the RGP activity might have the potential to cause effects to any

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed RGP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties.

Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed RGP activity has the potential to cause effects on historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of Section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

d) Where the non-federal prospective permittee has identified historic properties on which the proposed RGP activity might have the potential to cause effects and so notified the Corps, the non-federal prospective permittee shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects on historic properties or that NHPA Section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. If NHPA Section 106 consultation is required, the district engineer will notify the non-federal prospective permittee that he or she cannot begin the activity until Section 106 consultation is completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

e) Prospective permittees should be aware that Section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an prospective permittee who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the prospective permittee.

If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the prospective permittee, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

Note: The following link to the Corps' website provides SHPO and THPO contact information and additional procedures to expedite Corps regulatory review regarding the NHPA. Please contact the appropriate SHPO and/or THPO based on the geographic location of the regulated activity:

<https://www.nae.usace.army.mil/Missions/Regulatory/Historic-and-Tribal-Resources/>.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by an RGP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

a) Discharges of dredged or fill material into waters of the United States are not authorized by this RGP for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

b) For this RGP, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under this RGP only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).

b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition.

For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

e) Compensatory mitigation plans for RGP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns.

If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the RGPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the determination on the

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

RGP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the RGP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the RGPs. For example, if an RGP has an acreage limit of 1/2-acre, it cannot be used to authorize this RGP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an RGP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for this RGP.

h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the RGP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

Note: Prospective permittees are encouraged to utilize the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) in order to determine which in-lieu fee programs and/or mitigation banks have a sufficient amount of appropriate and available credits which they may propose to use to offset their proposed activity's unavoidable impacts to waters of the U.S., including wetlands. RIBITS is available at <https://ribits.ops.usace.army.mil/ords/f?p=107:2> See also: Regional Condition I, Compensatory Mitigation.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal prospective permittees to demonstrate that the structures comply with established state or federal dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an RGP with CWA Section 401, a CWA Section 401 water quality certification for the proposed activity which may result in any discharge from a point source into waters of the United States must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the RGP, then the permittee must obtain a water quality certification or waiver for the proposed activity which may result in any discharge from a point source into waters of the United States in order for the activity to be authorized by an RGP.

b) If the RGP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an RGP with CWA Section 401, the proposed activity which may result in any discharge from a point source into waters of the United States is not authorized by an RGP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge into waters of the United States, the permittee must submit a copy of the certification to the district engineer. The discharge into waters of the United States is not authorized by an RGP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied (i.e., by the issuance of a water quality certification or a waiver and completion of the Section 401(a)(2) process).

c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Note: For information concerning how to apply to EPA for a Water Quality Certification for activities located within Tribal lands or within lands of exclusive federal jurisdiction, please see: <https://www.epa.gov/cwa-401/resources-when-epa-acts-certifying-authority-under-section-401> and/or contact: R1CWA401@epa.gov.

Connecticut Note: For information concerning how to apply to CTDEEP for a Water Quality Certification, please see: <https://portal.ct.gov/deep/permits-and-licenses/factsheets-inland-water/401-water-quality-certification-fact-sheet>.

Maine Note: For information concerning how to apply to LUPC or MEDEP for a Water Quality Certification, please see: <https://www.maine.gov/dep/water/wd/wqc/>.

Massachusetts Note: For information concerning how to apply to MassDEP for a Water Quality Certification, please see: <https://www.mass.gov/lists/wetlands-permitting-forms>.

New Hampshire Note: For information concerning how to apply to NHDES for a Water Quality Certification, please see: <https://www.des.nh.gov/water/rivers-and-lakes/water-quality-certification>.

Rhode Island Note: For information concerning how to apply to RIDEM for a Water Quality Certification, please see: <https://dem.ri.gov/sites/g/files/xkqbur861/files/2025-06/wqcheck.pdf>.

Vermont Note: For information concerning how to apply to VTDEC for a Water Quality Certification, please see: <https://dec.vermont.gov/act250/watershed/business-support/water-quality-certification-section-401>.

26. Coastal Zone Management. In coastal states where an RGP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence in order for the activity to be authorized by an RGP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

Note: If an individual state coastal zone management consistency concurrence is required, prospective permittees should submit a consistency certification to the state (see 15 CFR 930.31(d)) at the same time as the PCN is submitted to the Corps, or shortly thereafter.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Connecticut Note: *For information concerning how to apply to CTDEEP for a coastal zone management consistency certification, please see:*
<https://portal.ct.gov/deep/coastal-resources/coastal-permitting/coastal-consistency>.

Maine Note: *For information concerning how to apply to the Maine Office of Community Affairs for a coastal zone management consistency certification, please see:*
<https://www.maine.gov/dmr/programs/maine-coastal-program/federal-consistency-review>.

Massachusetts Note: *For information concerning how to apply to Mass CZM for a coastal zone management consistency certification, please see:*
<https://www.mass.gov/federal-consistency-review-program>.

New Hampshire Note: *For information concerning how to apply to NHDES for a coastal zone management consistency certification, please see:*
<https://www.des.nh.gov/water/coastal-waters/federal-consistency>.

Rhode Island Note: *For information concerning how to apply to CRMC for projects within the coastal zone, please see:*
<https://www.crmc.ri.gov/applicationforms.html> and
https://www.crmc.ri.gov/regulations/fed_consistency.pdf.

27. Regional and Case-by-Case Conditions. The activity must comply with any regional conditions that may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple General Permits. The use of more than one General Permit (GP), i.e. Regional, Programmatic, and/or Nationwide, for a single and complete project is authorized, subject to the following restrictions:

a) The total acreage of loss of waters of the United States for a single and complete project cannot exceed the acreage limit of the GP with the highest specified acreage limit when multiple GPs are used to authorize an activity.

b) If only one of the GPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed that specified acreage limit.

c) If two or more of the GPs used to authorize the single and complete project have specified acreage limits, the acreage loss of waters of the United States authorized by each of those GPs cannot exceed the specified acreage limits of each of those GPs.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Note: If two or more GPs are used to authorize the single and complete project and they have two different expiration dates, the permittee must complete each activity before its corresponding GP expires.

29. Transfer of Regional General Permit Verifications. If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The successful completion of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the RGP verification letter. The certification document will include:

a) A statement that the authorized activity was done in accordance with the RGP authorization, including any general, regional, or activity-specific conditions;

b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

c) The signature of the permittee certifying the completion of the activity and mitigation.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an RGP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification. This includes all structures and work in, over, or under a Corps' federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance three times the FNP's authorized depth.

The activity may also require review and approval by the Corps pursuant to 33 USC 408 (Section 408 Permission). The prospective permittee may reach out to the points of contact listed here: <https://www.nae.usace.army.mil/Missions/Section-408/> and <https://www.nan.usace.army.mil/Missions/Regulatory/Section-408/> (for activities located within the Lake Champlain watershed) and consult the National Channel Framework mapper:

<https://experience.arcgis.com/experience/b413139f18c046009ebcf62abea941dd/page/Map/>. For activities which require a Section 408 permission, verification under an RGP will not be issued prior to the decision the Section 408 permission requires. Any structure or work constructed in an FNP, or its buffer zone shall be subject to removal at the owner's expense prior to any future Corps dredging or hydrographic surveys.

Prospective permittees should contact the Corps Real Estate Division (<https://www.nae.usace.army.mil/Missions/Real-Estate-Division/>) at (978) 318-8585 for work that would occur on or would potentially affect a Corps property (or properties) and/or Corps-controlled easements. Work may not commence on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents demonstrating site-specific permission to perform work.

A PCN is not required if a prospective permittee has previously obtained a Section 408 permission for their proposed activities, or a determination from the Corps that a Section 408 permission is not required for their proposed activities, and the proposed activities qualify for a non-notifying RGP.

Note: Refer to the New England District's Section 408 Program webpage that can be found at: <https://www.nae.usace.army.mil/Missions/Section-408/>. See also: *Regional Condition B, Additional PCN Requirement (Federal Projects)*.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

32. Pre-Construction Notification. a) Timing. Where required by the terms of the RGP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

1) the district engineer notifies the prospective permittee in writing that the activity may proceed under the RGP with any special conditions imposed by the district engineer; or

2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed.

If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b) Contents of the Pre-Construction Notification: The PCN must include the following information:

1) Name, address and telephone numbers of the prospective permittee;

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

2) Location of the proposed activity;

3) Identify all GP(s) the prospective permittee proposes to use to authorize the proposed activity;

4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the RGP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other nationwide, regional, programmatic, or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an RGP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN RGP activities into RGP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the RGP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

Note: To comply with the above GC 32(5), the following methodologies should be

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

utilized:

(a) *Wetlands should be delineated in accordance with the Corps Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information can be found at:*
<http://www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands> and
<https://www.usace.army.mil/Media/Announcements/Article/4262089/1-august-2025-us-army-corps-of-engineers-enhances-aquatic-resource-delineation/>.

(b) *Refer to the “Best Practices for Jurisdictional Determinations and Wetland Delineations,” which can be found on the Corps webpage at:*
<https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/>. (This is a pending document and will be published on our website when completed.)

(c) *The ordinary high water mark should be delineated (on both sides) when streams, rivers, non-tidal open waters are present on the project site. Ordinary high water mark guidance can be found in RGL 05-05*
(<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1253>).

For complex, atypical, or problematic sites see:
<https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/>.

(d) *Vegetated shallows should be delineated when present on the project site. Vegetated shallow survey guidance and maps can be found on the Corps webpage at:*
<https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/>.

(e) *All Essential Fish Habitat should be delineated when present on the project site. EFH survey guidance can be found in the current EFH programmatic, which can be found on the Corps webpage at*
<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>.

6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the compensatory mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

8) For non-federal permittees, if the RGP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act;

9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

10) For an RGP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the prospective permittee has submitted a written request for Section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

c) Form of Pre-Construction Notification: The pre-construction notification form (Form ENG 6082) should be submitted via the Regulatory Request System (RRS).

d) Agency Coordination: 1) The district engineer will consider any comments from federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the RGPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required when: (1) the prospective permittee requests a waiver for a RGP activity, or (ii) the RGP activity exceeds 1/2 acre of loss.

(3) When agency coordination is required, the district engineer will immediately provide a copy of the complete PCN to the appropriate federal or state offices (USFWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). These agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a determination on the pre-construction notification.

The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the RGPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered.

(4) In cases of where the prospective permittee is not a federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

33. Specific Resource Areas. A PCN is required for any proposed activities that would result in the loss of waters of the U.S. that exceed the listed thresholds to the following aquatic resources if a PCN is not already required by the RGP.

Aquatic Resource	Threshold
Non-tidal Wetlands	4,356 square feet (1/10-acre)
Tidal and Non-Tidal Stream	200 linear feet or 3/100-acre (whichever is less)
Tidal Wetland	500 square feet
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet
Mudflat	1,000 square feet
Intertidal	1,000 square feet

34. Discharges of Temporary Fill Material. A PCN is required for any proposed activities that would involve the discharge of temporary fill (33 CFR 323.2(e) and (f)) greater than 1/10-acre to be left in place in non-tidal wetlands for more than one growing season. The growing season is generally defined as April 1 to September 30 (See the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* for more information about determining growing season.

<https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/Wetland-Delineation-Manual/>).

Note 1: The Corps will determine on a case-by-case basis, after evaluating site-specific and activity-specific circumstances whether temporary construction mats proposed for use are considered as temporary fill.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Note 2: For linear projects, crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization (33 CFR 330.2(i)). Therefore, each crossing of a water of the U.S., including wetlands could have up to 1/10-acre of temporary fill without requiring the submittal of a PCN. *Prospective permittees should be aware that the definition of what constitutes a single and complete project per state regulations may differ from the Corps' definition. Prospective permittees should consult with the state in order to determine state requirements. *

35. Compensatory Mitigation. In addition to the requirements of RGP GC 23, Mitigation, compensatory mitigation requirements for unavoidable impacts to waters of the U.S. will be evaluated in accordance with the *New England District Compensatory Mitigation Standard Operating Procedures* (April 26, 2024) and any superseding versions thereof (<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>).

36. Essential Fish Habitat. Essential Fish Habitat (EFH) is defined as those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802). The following RGP activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RGP as applicable to the activity, including all activity thresholds and activity-specific Conservation Recommendations (CRs) identified in the current EFH and Fish and Wildlife Coordination Act (FWCA) Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>). The National Marine Fisheries Service (NMFS) has granted General Concurrence* (50 CFR 600.920(g)) for the below listed RGPs, and these activities do not require activity-specific EFH consultation.

[Consultation with NMFS in progress. Activities with general concurrence will be added once consultation is completed]

For non-federal prospective permittees whose proposed activities would be located within EFH and that do not require a PCN per the language of the RGP or per any other general or regional condition (i.e., non-notifying), the prospective permittee shall review the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) to ensure their proposed activity complies with all applicable CRs.

a) A PCN is required for any proposed project that would exceed the activity thresholds that are included within the current EFH and FWCA Programmatic Consultation. Any proposed project that exceeds an activity threshold requires preliminary coordination/project-specific consultation.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

b) For all activities that do not exceed the activity-based thresholds included within the current EFH and FWCA Programmatic Consultation, the prospective permittee shall implement the activity-specific applicable CRs. If the applicable CRs cannot be implemented, a PCN must be submitted to the Corps, and work may not commence until the Corps verifies the project under the applicable RGP(s).

Federal prospective permittees should follow their own procedures for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and Fish and Wildlife Coordination Act.

Note 1: For activities proposed for authorization by an RGP that requires the submittal of a PCN, prospective permittees are encouraged to review the current EFH and FWCA Programmatic Consultation and design their proposed activities with the activity-based thresholds and incorporate applicable CRs.

Note 2: Prospective permittees can utilize the NMFS EFH mapper to determine if their proposed activities are located within EFH: <https://www.habitat.noaa.gov/apps/efhmapper/>. Prospective permittees can also utilize the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) for guidance on non-tidal waterbodies with diadromous fish.

37. RGP Documentation On-Site. The permittee shall ensure that a copy of their RGP verification letter (for notifying RGPs only) with all applicable GCs are at the worksite whenever work is being performed, and that all personnel performing work are fully aware of its terms and conditions.

38. Abandonment. If the permittee decides to abandon the activity authorized by an RGP, unless such abandonment is merely the transfer of property to another party, the permittee may be required to restore the area to the satisfaction of the Corps.

39. Time-of-Year Windows/Restrictions in Connecticut. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the State of Connecticut Department of Energy and Environmental Protection (CTDEEP) provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Unconfined Work	April 1 to June 30	July 1 to September 30
Installation and Removal of Controls in Non-Tidal Streams	----	July 1 to March 31*

*Controls must not encroach greater than 25 percent of the stream width measured from OHW during the prohibited work window.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

For proposed activities that would be sited within Atlantic sturgeon critical habitat and/or anadromous waters but cannot follow the TOY windows/restrictions listed above, the prospective permittee should first coordinate with CTDEEP to obtain alternate TOY windows and/or restrictions for their proposed activities as well as any other activities conditions required or recommended by the state, prior to submitting a PCN to the Corps. For activities that require PCN submittal, in order to avoid delays in review, the prospective permittee should include documentation of this coordination and CTDEEP's required or recommended conditions with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely "in-the-dry" or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term "in-the-dry" means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

40. Time-of-Year Windows/Restrictions in Maine. In-water work (including physical alterations) within non-tidal and tidal waters, shall be conducted during the following time-of-year (TOY) work windows (see below table). Approval to work outside the TOY work windows must be obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using the form located at:

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in non-tidal waters or from the Maine Department of Marine Resources (DMR):

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in tidal waters. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window from IFW or DMR is not obtained, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the state's approval for working outside the TOY restriction shall be submitted with the PCN.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 2 to July 14	July 15 to October 1
Tidal Waters	April 16 to November 14	November 15 to April 15

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely "in-the-dry" or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term "in-the-dry" means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

41. Time-of-Year Windows/Restrictions in Massachusetts. A PCN is required for any proposed activity located in waters of the U.S. (excluding wetlands) that does not comply with the following time-of-year (TOY) restrictions, unless the Massachusetts Division of Marine Fisheries (MA DMF) provides alternate TOY restrictions. The TOY

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

restrictions stated in Appendix B of the MA DMF Technical Report TR-47* can apply instead if they are provided for a specific waterbody where the activity is proposed. Additionally, if MA DMF provides project-specific TOY restrictions those may also apply in lieu of the TOY restrictions listed below.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 1 to June 30	July 1 to September 30
Tidal Waters and Diadromous Fish Migratory Habitat**	January 15 to November 15	November 16 to January 14

*Massachusetts Department of Marine Fisheries (MA DMF) Technical Report, TR-47, available at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>

**Information regarding diadromous fish migratory habitat can be obtained from the following GIS website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/info-details/massgis-data-diadromous-fish>.

For proposed activities that require a PCN, prospective permittees should first coordinate with the MA DMF to obtain TOY windows and/or restrictions for their activity. Prospective permittees should include documentation of this coordination when submitting their PCN.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

42. Time-of-Year Windows/Restrictions in New Hampshire. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the New Hampshire Department of Environmental Services and/or New Hampshire Fish and Game provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	October 2 to July 4	July 5 to October 1
Tidal Waters	March 16 to November 14	November 15 to March 15

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate, species-specific, work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by the State of New Hampshire Department of Fish and Game. In order to avoid delays in review, the prospective

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

permittee should include documentation of this coordination and authorization from NH Fish and Game with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

43. Time-of-Year Windows/Restrictions in Rhode Island. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless RIDEM and CRMC provide alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	November 1 to June 30	July 1 to October 31
Tidal Waters	February 1 to October 14	October 15 to January 31
Anadromous Waters	March 1 to June 30	July 1 to February 28/29

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by RIDEM. RIDEM may place additional constraints to protect anadromous fish species in the fall. In order to avoid delays in review, the prospective permittee should include documentation of this coordination and authorization from RIDEM with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

44. Time-of-Year Windows/Restrictions in Vermont. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the Vermont Department of Environmental Conservation (DEC) provides alternate TOY restrictions. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window is not obtained from DEC, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the above-mentioned approval for working outside the below TOY restriction shall be submitted with the PCN when received.

	TOY Work Restriction	TOY Work Window
--	----------------------	-----------------

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Non-tidal Waters	October 1 to June 30	July 1 to September 30
------------------	----------------------	------------------------

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

45. Saint John and Saint Croix River Basins in Maine. A PCN is required for any proposed work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction, or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the boundary; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

46. Important or Rare Resources in Maine. A PCN is required for any proposed discharges of dredged or fill material within any of the following aquatic resources or resource types identified as specifically important or rare within the State of Maine which warrant additional protections:

- a) Lakes and tributaries that support arctic char and lake whitefish; or
- b) Bogs and fens

47. Lake Champlain and Lake Memphremagog in Vermont. A PCN is required for any discharge of fill material that exceeds 10 cubic yards below the plane of the ordinary high water mark of Lake Champlain and Lake Memphremagog and/or these lakes’ adjacent wetlands.

48. Underwater Archaeological Resources in Massachusetts. Under Massachusetts General Law Ch. 6, s.’s 179-180, and Ch. 91, s. 63, the Board of Underwater Archaeological Resources (BUAR) has statutory jurisdiction within state waters and is the sole trustee of the Commonwealth’s underwater heritage, charged within the responsibility of encouraging the discovery and reporting, as well as the preservation and protection of underwater archaeological resources. Underwater archaeological resources located within the waters of the Commonwealth of Massachusetts are property of the Commonwealth, which holds title to these resources and retains regulatory authority over their use. Under Massachusetts General Law, no person, organization or corporation may “remove, displace, damage, or destroy” any underwater archaeological resources located within the Commonwealth’s submerged lands except through consultation with the BUAR and in conformity with the permits it issues.

<https://www.mass.gov/orgs/board-of-underwater-archaeological-resources>.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

49. Navigation Risk Assessment. A PCN is required for any modification or expansion of an existing mooring field, unless a U.S. Coast Guard Navigation Risk Assessment (NRA) results in a “Low Risk” determination. If the prospective permittee receives a “Medium Risk” or “High Risk” assessment, they must submit a PCN to the Corps. Prospective permittees who do not complete an NRA for their mooring field activity must submit a PCN to the Corps.

Navigation Risk Assessment, Aids to Navigation (AtoN), and Charting:

i. Coordination with the USCG can be completed by contacting via email: D01-SMB-SecNNE-Waterways@uscg.mil.

The prospective permittee shall provide the following information to facilitate completion of the NRA: applicant name/company affiliation, nautical chart, detailed drawing with dimensions, time of year, potential lighting/markings, types/materials of structures in water, planned anchoring, and any other significant information.

Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, must be installed and maintained at the permittee's expense. For required permitting, the prospective permittee shall contact USCG First District Private Aid Program Manager through D01-SMB-D01PrivateAtoN@uscg.mil. Only actual AtoNs are permitted; floats, balls, markers, mooring balls and ‘highflier flags’ are not considered Aids to Navigation (AtoN). See: <http://www.usharbormaster.com>.

Prospective permittees shall notify NOAA's National Ocean Service (NOS) Nautical Data Branch Office of Coast Survey to initiate chart and Coast Pilot corrections. See: <https://nauticalcharts.noaa.gov/>. Prospective permittees must also notify NOAA on removal. See Note 2 below.

ii. For marine safety information during construction or other significant periods, prospective permittees may use the First District's Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil.

Note 1: If a PCN is required, prospective permittees shall include documentation of all required coordination with their PCN.

50. Invasive Species: The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or into areas adjacent to the project site caused by the site work shall be avoided. Native, non-invasive vegetation must be used unless otherwise authorized by the Corps, and shall not contain any species listed in Appendix K (“Invasive and Other Unacceptable Plant Species”) of the current New England District Compensatory Mitigation Standard Operating Procedures located at: <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>. Equipment shall be thoroughly cleaned before and after project construction to prevent the spread of

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

invasive species. This includes, but is not limited to, tire treads and construction mats. Information about how to avoid the spread of invasive species can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species>.

E. DEFINITIONS

Term	Definition
Baseline	Generally, the low water line along the coast, but where the coast is deeply indented, the baseline may be a straight line joining appropriate points.
Beach nourishment	The placement of sediment, usually sand, directly on or adjacent to an eroding beach.
Beneficial use	The practice of using sediments obtained during dredging for productive purposes rather than simply disposing of them.
Best Management Practices (BMPs)	Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.
Biodegradable	A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable under this GP.
Boating Facilities	These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, municipal facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or municipal mooring fields that charge an equitable user fee based on the actual costs incurred.
Compensatory Mitigation	The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved. Must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx .

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Confined Aquatic Disposal (CAD) cell	An engineered, underwater containment facility specifically designed for the safe and permanent disposal of contaminated sediments removed during dredging operations.
Confined Disposal Facility (CDF)	A structure built with dikes or berms on land or in shallow water to create an enclosed containment area. The dredged material is placed inside, where it eventually dewateres and consolidates, creating new upland.
Construction Mats	Construction, 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 Impacts	The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.1). Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230.11(g).
Currently Serviceable	Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
Discharge	The term “discharge” means any discharge of dredged or fill material into waters of the United States.
Direct Effects	Effects that are caused by the activity and occur at the same time and place.
Dredged material	Defined at 33 CFR 323.2(c) and (d). Dredged material is material that is excavated or dredged from waters of the U.S.
Enhancement	The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Ephemeral Stream	A stream with flowing water only during, and for a short duration, after precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.
Erosion Controls	Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.
Establishment (Creation)	The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.
Fill material & discharge of fill material	Defined at 33 CFR 323.2 (e) & (f). Material placed in waters of the U.S. where it 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. Fill material does not include any pollutant discharged into the water primarily to dispose of waste.
High Tide Line	The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along the shore objects, a continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.
Historic Property	Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).
Incidental fallback	The redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the U.S. when such

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

	material falls back to substantially the same place as the initial removal (33 CFR 323.2(d)(2)(iii)).
Indirect Effects	Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.
Improvement Dredging	For the purposes of this RGP, improvement dredging means dredging in a previously authorized currently serviceable area where dredging has occurred in the recent past. The proposed dredging will occur within the same footprint, but will be to depths greater than previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Loss of waters of the United States	Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.
Maintenance Dredging	For the purposes of this RGP, maintenance dredging means dredging in a previously authorized currently serviceable area where dredging has occurred. The proposed dredging will occur within the same footprint and to depths not exceeding that which has been previously authorized by the Corps. The Corps may consider a maintenance activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

	macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Mean high water	Line on the shore reached by the plane of the average high water. Where precise determination of the actual location of the line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the “apparent shoreline” which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the line reached by the mean high water.
Mean low water	The average height of all the low waters recorded over a specific 19-year period known as the National Tidal Datum Epoch (NTDE).
Nature-based Solutions	Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.
Navigable waters of the U.S.	Navigable waters of the U.S. are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. These waters are subject to Section 10 of the Rivers and Harbors Act of 1899 and are further defined at 33 CFR part 329.
Nearshore	An indefinite transitional zone extending seaward from the shoreline well beyond the breaker zone.
Nearshore placement	This is defined in the USACE Coastal Engineering Manual as “(1) In beach terminology an indefinite zone extending seaward from the shoreline well beyond the breaker zone. (2) The zone which extends from the swash zone to the position marking the start of the offshore zone, typically at water depths of the order of 20m.” A nearshore berm is an artificial berm built in shallow water using dredged material. Often, the berm is intended to renourish the adjacent and downdrift shore over time under the influence of waves and currents.
New Dredging	For the purposes of this RGP, new dredging means the specific area (i.e. footprint) has not been dredged previously, or dredging has not been previously authorized by the Corps, or dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Non-tidal wetland	A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Ocean waters	Defined at 33 CFR 324.2(a) as those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone.
Open water placement (disposal)	The regulated process of placing sediment removed from navigation channels at designated aquatic sites in oceans, estuaries, lakes, or rivers.
Perennial stream	A perennial stream has surface water flowing continuously year round during a typical year.
Practicable	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
Preservation	The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.
Re-establishment	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.
Rehabilitation	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.
Restoration	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.
Special Aquatic Sites	These include wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, sanctuaries, and refuges as defined at 40 CFR 230.40 through 230.45 and 33 CFR 330.2.
Submerged Aquatic Vegetation	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.
Seaward	The limit of jurisdiction in the territorial seas, measured from the baseline in a seaward direction for a distance of three nautical miles.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

Structure	An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.
Territorial sea	The belt of water extending three nautical miles seaward from the baseline.
Tidal Wetland	A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.
Transportation of dredged material	Defined at 33 CFR 324.2(c) as the conveyance and related handling of dredged material by a vessel or other vehicle.
Tribal Lands	Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.
Upland	Terrestrial communities are not normally subject to inundation. Dredged material can be used to construct or improve these habitats.
Vegetated shallows	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems. Note: These areas are also commonly referred to as submerged aquatic vegetation (SAV).

F. DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the RGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a prospective permittee requests authorization by a specific RGP, the district engineer should issue the RGP verification for that activity if it meets the terms and conditions of that RGP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the RGP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an RGP. If a prospective permittee requests a waiver of an applicable limit, the district engineer will only grant the waiver upon a written determination that the RGP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations, the district engineer will consider the direct and indirect effects caused by the RGP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an RGP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the RGP activity, the type of resource that will be affected by the RGP activity, the functions provided by the aquatic resources that will be affected by the RGP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the RGP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add activity-specific conditions to the RGP authorization to address site-specific environmental concerns.
3. If the proposed RGP activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Prospective permittees may also propose compensatory mitigation for RGP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the proposed activity complies with the terms and conditions of the RGP and that the adverse

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the RGP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the RGP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the RGP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the prospective permittee. The response will state that the RGP activity can proceed under the terms and conditions of the RGP, including any activity-specific conditions added to the RGP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed RGP activity are more than minimal, then the district engineer will notify the prospective permittee either: (a) that the activity does not qualify for authorization under the RGP and instruct the prospective permittee on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the RGP subject to the prospective permittee's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the RGP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the prospective permittee submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking

G. FURTHER INFORMATION

1. District engineers have authority to determine if an activity complies with the terms and conditions of an RGP.
2. This RGP does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. This RGP does not grant any property rights or exclusive privileges.
4. This RGP does not authorize any injury to the property or rights of others.
5. This RGP does not authorize interference with any existing or proposed federal project (see general condition 31).



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
NEW ENGLAND DISTRICT OFFICE
696 VIRGINIA ROAD
CONCORD MASSACHUSETTS 01742-2751

Permit Title: Structures and Moorings

Issuing Office: U.S. Army Corps of Engineers (Corps), New England District

Permit Type: Regional General Permit (RGP or permit)

Effective Date: MM/DD/YYYY

Expiration Date: MM/DD/YYYY

A. STATUTORY AUTHORITIES

Federal Authorities: An activity that is authorized under this RGP will be subject to the authorities listed below.

1. Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR Part 322). The Corps regulates any structure in, over, or under any *navigable waters of the United States* (as defined in 33 CFR 329), and work such as excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.
2. Section 404 of the Clean Water Act (see 33 CFR Part 323). The Corps regulates the discharge of dredged material or fill material and certain discharges associated with excavation into *waters of the United States* (as defined in 33 CFR 328), including wetlands. Exempt activities not requiring a Section 404 permit can be found at 33 CFR Part 323.4.

B. APPLICABILITY AND ACTIVITY THRESHOLDS

This RGP authorizes activities subject to Corps authority in waters of the U.S., including wetlands, and navigable waters and adjacent ocean waters to the seaward limit of the outer continental shelf. This RGP is issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)]. Refer to the appropriate sections of this RGP for a description of eligible activities, thresholds, exclusions, expiration, district procedures, and conditions. This RGP would extend impact limitations and activities beyond those of the Nationwide Permits (NWP) for certain categories of projects that, on a regional basis, would not result in more than minimal impact to aquatic resources and also cover categories of minor activities that otherwise do not qualify under a NWP.

1. **Area of Applicability:** Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

2. **Eligible Activities:** New, expansion, replacement, removal, reconfiguration, or modification of structures within waters of the U.S., including but not limited to, temporary/seasonal or permanent pile- and crib-supported piers, gangway ramps, floats, stairs, dolphins, shore haul outs, moorings, boat and float lifts, dry hydrants, and seasonal water lines. Discharges of fill material associated with these structures are also authorized under this RGP, provided the loss of waters of the U.S. does not exceed 1/10-acre. Breakwaters in non-tidal waters are also authorized under this RGP, provided the loss of waters of the U.S. does not exceed 1/10 acre. This RGP also authorizes temporary structures and fills that are associated with construction access for the activities listed above.

This RGP does not authorize new boating facilities, unless the district engineer waives this limitation by making a written determination concluding the work will result in no more than minimal adverse environmental effects.

3. **Pre-Construction Notification (PCN) Threshold in Terms of RGP:** A PCN must be submitted to the district engineer for the following activities.

- New mooring fields.
- Expansions or modifications to existing mooring fields that may obstruct navigation.*
- The cumulative area of all piers, ramps, and floats that exceed 1,000 square feet.
- Structures that exceed 25 percent of the waterway width, as measured from mean low water on each side of the waterway.
- Discharges of dredged or fill material into special aquatic sites.
- Discharges of dredged or fill material for the construction and modification of a breakwater.

*Note: Refer to General Condition 49 for U.S. Coast Guard (USCG) Navigation Risk Assessment (NRA) procedures. A completed NRA with a result of "Low Risk" can help a prospective permittee demonstrate the mooring field activity will not obstruct navigation. Prospective permittees who do not complete an NRA for their mooring field expansion or modification must submit a PCN to the Corps.

4. **Expiration:** This RGP expires on **MM/DD/YYYY**. Activities authorized under this RGP will remain authorized until the RGP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities authorized under this RGP that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have until **MM/DD/YYYY**, to complete the work. If work is not completed before this date, the permittee must contact the Corps. The Corps may issue a new authorization provided the activity meets the terms and conditions of the RGP in effect at the time.

5. **Discretionary Authority:** The Corps may exercise discretionary authority to not authorize an activity under this RGP, and instead require review under individual permit procedures. Reasons discretionary authority may be exercised include potential for extraordinary circumstances which could have reasonably foreseeable significant impacts, non-compliance with the Section 404(b)(1) Guidelines (40 CFR 230), public interest, and known appreciable opposition or controversy.

C. DISTRICT PROCEDURES

1. **Pre-Application Meeting Requests:** Pre-application meetings are optional, but advised when a prospective permittee is unsure about the appropriate permitting pathway. During these meetings, the Corps can assist with project-specific questions relating to mitigation, Essential Fish Habitat, Endangered Species, Section 408 Permission, Coastal Zone Consistency, and Section 401 Water Quality Certification to facilitate the submission of a complete PCN. Pre-application meeting requests should be submitted via the Regulatory Request System (RRS): <https://rrs.usace.army.mil/rrs>.
2. **Non-Notifying Activities:** If the activity is “non-notifying” and does not require submission of a PCN, the prospective permittee is responsible for ensuring the activity meets all applicable terms and conditions:
 - a. Terms of the RGP
 - b. General Conditions
 - c. State Water Quality Certification, if applicable
 - d. Environmental Protection Agency (EPA) Water Quality Certification, if applicable
 - e. State Coastal Zone Consistency, if applicable
3. **Pre-Construction Notification Reviews:** Prospective permittees must submit a PCN to the New England District when required by the terms of the RGP or general conditions. If a PCN is required, the prospective permittee shall submit a PCN in accordance with general condition 32(b). If the activity is in a special aquatic site, prospective permittees must submit a delineation in accordance with general condition 32(b)(5). PCN requests should be submitted via the RRS for a more streamlined review. Additionally, the prospective permittee shall not begin the activity until general condition 32(a)(1) or 32(a)(2) are satisfied.

D. GENERAL CONDITIONS

The General Conditions (GCs) ensure that activities authorized this RGP will not cause more than minimal adverse environmental impacts, both individually and cumulatively. To qualify for RGP authorization, the prospective permittee must comply with all applicable GCs that are imposed by the district engineer. Specific GCs may require the

prospective permittee to submit a PCN. If the activity exceeds a PCN threshold under any GC, the prospective permittee must submit a PCN to the district engineer.

General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple General Permits
29. Transfer of Regional General Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification
33. Specific Resource Areas
34. Discharges of Temporary Fill Material
35. Compensatory Mitigation
36. Essential Fish Habitat
37. RGP Documentation On-Site
38. Abandonment
39. Time-of-Year Restrictions/Windows in Connecticut
40. Time-of-Year Restrictions/Windows in Maine
41. Time-of-Year Restrictions/Windows in Massachusetts
42. Time-of-Year Restrictions/Windows in New Hampshire

43. Time-of-Year Restrictions/Windows in Rhode Island
44. Time-of-Year Restrictions/Windows in Vermont
45. Saint John and Saint Croix River Basins in Maine
46. Important or Rare Resources in Maine
47. Lake Champlain and Lake Memphremagog in Vermont
48. Underwater Archaeological Resources in Massachusetts
49. Navigation Risk Assessment
50. Invasive Species

1. Navigation.

- a) No activity may cause more than a minimal adverse effect on navigation.
- b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Note: Compliance with this condition can be achieved by ensuring no unreasonable interference with navigation by the existence or use of any activity authorized by any Regional General Permit (RGP), and no attempt made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to any activity authorized by any RGP.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

Note: Compliance with this condition may be achieved by ensuring that during in-stream work, the low flow channel/thalweg remains unobstructed during periods of low flow, except when it is necessary to perform the authorized work. Additionally, for work in tidal waters, in-stream controls should be installed in such a manner that do not obstruct fish passage.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

Maine Note: *Contact the Maine Department of Marine Resource (ME DMR) for further conservation measures if a proposed activity would result in excess turbidity (i.e., dredging) and is located within 100 feet of ME DMR shellfish areas. Reference material can be found at: <https://dmr-maine.opendata.arcgis.com/datasets/mainedmr-molluscan-shellfish-2010/explore?location=43.733484%2C-69.767928%2C10.43> and <https://mgs-maine.opendata.arcgis.com/datasets/maine-coastal-marine-geologic-environments/explore>.*
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows, including tidal flows. The activity must not restrict or impede the passage of normal or high flows including tidal flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

Massachusetts Note: *For activities located within the Commonwealth of Massachusetts, activities may be required to comply with the Bordering Lands Subject to Flooding provisions of the Commonwealth's Wetland Protection Act. Prospective permittees should contact Massachusetts Department of Environmental Protection to determine whether this provision applies to their proposed activity(ies).*

Rhode Island Note: Any activities within riverine floodplain or floodway in Rhode Island, as defined in 250-RICR-150-15-3.4(A)(29) and (30) must demonstrate that the "Flood Protection Standard" described at 250-RICR-150-15-3.7.1(E) has been met as part of an application for a freshwater wetlands permit obtained from the RI Department of Environmental Management.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

If mats are used to minimize soil disturbance, the affected areas must be returned to pre-construction elevations, and revegetated as appropriate. In circumstances where the use of mats has caused significant soil compaction efforts using techniques (e.g., soil reaeration techniques) to break up the compaction should be employed to return the soil to a pre-construction state prior to returning to pre-construction elevations.

Notes: (1) *Compliance with this condition may be achieved through the implementation of best management practices outline in NAE's "Construction Mat Best Management Practices" document available at <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Permit-Resources/>.*

(2) *Compliance with this condition may be achieved by ensuring that construction equipment such as barges in tidal waters always provide adequate clearance above the substrate to avoid impacts to SAS during all tides.*

(3) *Compliance with this condition may be achieved by ensuring that construction equipment that would cross or access streams utilizes temporary bridges, spans, construction mats, culverts, or cofferdams to minimize disturbance to the waterway.*

(4) *The placement and operation of construction equipment, including barges, must avoid shading impacts to submerged aquatic vegetation to the maximum extent practicable and must not significantly disrupt normal hydrodynamics or sedimentation patterns.*

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Note: Compliance with this condition may be achieved by ensuring that all discharge points back into waters of the U.S., including wetlands use appropriate energy dissipaters and erosion and sedimentation control best management practices (BMPs). Controls that are biodegradable can be left in place, but should be removed if they are not biodegradable. Temporary controls should be removed upon completion of work, but not before all exposed soil and other fills and any work waterward of the OHWM are permanently stabilized. Once permanently stabilized, temporary controls should be removed as soon as possible. Sediment and debris collected by these controls should be removed and placed at an upland location and in a manner that will prevent its later erosion into a waterway or wetland.

Massachusetts Note: In Massachusetts, compliance with this condition may be achieved by ensuring, as applicable, that all activities are compliant with the State of Massachusetts' Stormwater Management Standards at 314 CMR 9.06(6)(a)-(f) and the State of Massachusetts' Stormwater Handbook.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

Note: Compliance with this general condition may be achieved by underlying temporary fills with geotextile fabric which may help to facilitate the restoration to pre-construction elevations.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable RGP general conditions, as well as any activity-specific conditions added by the district engineer to an RGP authorization.

Note: Compliance with this general condition may be achieved by the complete removal, cutting, and/or driving to three feet below the substrate of derelict, degraded, or abandoned piles and sheet piles located in navigable waters of the U.S., except for those inside existing work footprints for piers to prevent interference with navigation. Existing creosote piles that are affected by project activities may be completely removed if practicable. In areas of fine-grained substrates, piles may be removed by the direct, vibratory or clamshell pull method to minimize sedimentation, and turbidity impacts and prevent interference with navigation from cut piles. Removed piles should be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate, or mudflats.

15. Single and Complete Project. The activity must be a single and complete project. The same RGP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. a) No RGP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress

as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (unless the activity meets the exception listed below). Additionally, a PCN is required if the proposed RGP activity is located:

- i. 1/4-mile up- or downstream of a Wild and Scenic River (WSR) segment, or in tributaries within 1/4-mile of a WSR segment.
- ii. Any proposed activities that would be located in wetlands within 1/4-mile of a WSR segment.
- iii. Any proposed activities that have the potential to alter free-flowing characteristics in a WSR segment (unless the activity meets the exception listed below).

The district engineer will coordinate the PCN with the federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status.

c) Information on Wild and Scenic Rivers may be obtained from the appropriate federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

d) Exception: Prospective permittees may coordinate with the federal agency that has direct management responsibility of the WSR segment or tributary prior to submitting a PCN to the Corps. If the federal agency with direct management responsibility of the WSR segment or tributary determines that the proposed activity would not adversely affect the subject WSR, then a PCN is not required.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. a) No activity is authorized under any RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any RGP which “may affect” a listed species or critical

habitat, unless ESA Section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA Section 7 consultation.

b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA Section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under Section 7 of the ESA.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized.

For activities that might affect federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-federal prospective permittee of the Corps’ determination within 45 days of receipt of a complete pre-construction notification.

For activities where the non-federal prospective permittee has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the prospective permittee shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA Section 7 consultation or conference has been completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

d) As a result of formal or informal consultation or conference with the (U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) the district engineer may add species-specific permit conditions to this RGP.

e) Authorization of an activity by an RGP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the USFWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

f) If the non-federal permittee has a valid ESA Section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal permittee should provide a copy of that ESA Section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA Section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation conducted for the ESA Section 10(a)(1)(B) permit.

If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA Section 7 consultation for the ESA Section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA Section 7 consultation for the proposed RGP activity. The district engineer will notify the non-federal prospective permittee within 45 days of receipt of a complete pre-construction notification whether the ESA Section 10(a)(1)(B) permit covers the proposed RGP activity or whether additional ESA Section 7 consultation is required.

g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their web pages at <http://www.fws.gov/> or [http:// www.fws.gov/ipac](http://www.fws.gov/ipac) and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

Note: For information on how to comply with General Condition 18, please visit our website at <https://www.nae.usace.army.mil/missions/regulatory/endangered-species-act/>.

Note: Federal agencies should refer to “Multiple Federal Agency & Lead Federal Agency Best Practices” when a Corps permit is required, which can be found on the Corps’ webpage at: [\(This is a pending document and will be published on our website when completed.\)](#)

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine

what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. a) No activity is authorized under this RGP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed RGP activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.

c) Non-federal permittees must submit a pre-construction notification to the district engineer if the RGP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed RGP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties.

Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed RGP activity has the potential to cause effects on historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)).

Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of Section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

d) Where the non-federal prospective permittee has identified historic properties on which the proposed RGP activity might have the potential to cause effects and so notified the Corps, the non-federal prospective permittee shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects on historic properties or that NHPA Section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. If NHPA Section 106 consultation is required, the district engineer will notify the non-federal prospective permittee that he or she cannot begin the activity until Section 106 consultation is completed. If the non-federal prospective permittee has not heard back from the Corps within 45 days, the prospective permittee must still wait for notification from the Corps.

e) Prospective permittees should be aware that Section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an prospective permittee who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the prospective permittee.

If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the prospective permittee, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

Note: The following link to the Corps' website provides SHPO and THPO contact information and additional procedures to expedite Corps regulatory review regarding the NHPA. Please contact the appropriate SHPO and/or THPO based on the geographic location of the regulated activity:

<https://www.nae.usace.army.mil/Missions/Regulatory/Historic-and-Tribal-Resources/>.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by an RGP, they must immediately notify the

district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

a) Discharges of dredged or fill material into waters of the United States are not authorized by this RGP for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

b) For this RGP, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under this RGP only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (*i.e.*, on site).

b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition.

For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

e) Compensatory mitigation plans for RGP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns.

If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the RGPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available

at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the determination on the RGP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the RGP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the RGPs. For example, if an RGP has an acreage limit of 1/2-acre, it cannot be used to authorize this RGP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an RGP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for this RGP.

h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the RGP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

Note: Prospective permittees are encouraged to utilize the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) in order to determine which in-lieu fee programs and/or mitigation banks have a sufficient amount of appropriate and available credits which they may propose to use to offset their proposed activity's unavoidable impacts to waters of the U.S., including wetlands. RIBITS is available at <https://ribits.ops.usace.army.mil/ords/f?p=107:2> See also: Regional Condition I, Compensatory Mitigation.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal prospective permittees to demonstrate that the structures comply with established state or federal dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an RGP with CWA Section 401, a CWA Section 401 water quality certification for the proposed activity which may result in any discharge from a point source into waters of the United States must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the RGP, then the permittee must obtain a water quality certification or waiver for the proposed activity which may result in any discharge from a point source into waters of the United States in order for the activity to be authorized by an RGP.

b) If the RGP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an RGP with CWA Section 401, the proposed activity which may result in any discharge from a point source into waters of the United States is not authorized by an RGP until water quality certification is obtained

or waived. If the certifying authority issues a water quality certification for the proposed discharge into waters of the United States, the permittee must submit a copy of the certification to the district engineer. The discharge into waters of the United States is not authorized by an RGP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied (*i.e.*, by the issuance of a water quality certification or a waiver and completion of the Section 401(a)(2) process).

c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

Note: For information concerning how to apply to EPA for a Water Quality Certification for activities located within Tribal lands or within lands of exclusive federal jurisdiction, please see: <https://www.epa.gov/cwa-401/resources-when-epa-acts-certifying-authority-under-section-401> and/or contact: R1CWA401@epa.gov.

Connecticut Note: For information concerning how to apply to CTDEEP for a Water Quality Certification, please see: <https://portal.ct.gov/deep/permits-and-licenses/factsheets-inland-water/401-water-quality-certification-fact-sheet>.

Maine Note: For information concerning how to apply to LUPC or MEDEP for a Water Quality Certification, please see: <https://www.maine.gov/dep/water/wd/wqc/>.

Massachusetts Note: For information concerning how to apply to MassDEP for a Water Quality Certification, please see: <https://www.mass.gov/lists/wetlands-permitting-forms>.

New Hampshire Note: For information concerning how to apply to NHDES for a Water Quality Certification, please see: <https://www.des.nh.gov/water/rivers-and-lakes/water-quality-certification>.

Rhode Island Note: For information concerning how to apply to RIDEM for a Water Quality Certification, please see: <https://dem.ri.gov/sites/g/files/xkqbur861/files/2025-06/wqcheck.pdf>.

Vermont Note: For information concerning how to apply to VTDEC for a Water Quality Certification, please see: <https://dec.vermont.gov/act250/watershed/business-support/water-quality-certification-section-401>.

26. Coastal Zone Management. In coastal states where an RGP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence in order for the activity to be authorized by an

RGP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

Note: *If an individual state coastal zone management consistency concurrence is required, prospective permittees should submit a consistency certification to the state (see 15 CFR 930.31(d)) at the same time as the PCN is submitted to the Corps, or shortly thereafter.*

Connecticut Note: *For information concerning how to apply to CTDEEP for a coastal zone management consistency certification, please see:*
<https://portal.ct.gov/deep/coastal-resources/coastal-permitting/coastal-consistency>.

Maine Note: *For information concerning how to apply to the Maine Office of Community Affairs for a coastal zone management consistency certification, please see:*
<https://www.maine.gov/dmr/programs/maine-coastal-program/federal-consistency-review>.

Massachusetts Note: *For information concerning how to apply to Mass CZM for a coastal zone management consistency certification, please see:*
<https://www.mass.gov/federal-consistency-review-program>.

New Hampshire Note: *For information concerning how to apply to NHDES for a coastal zone management consistency certification, please see:*
<https://www.des.nh.gov/water/coastal-waters/federal-consistency>.

Rhode Island Note: *For information concerning how to apply to CRMC for projects within the coastal zone, please see:*
<https://www.crmc.ri.gov/applicationforms.html> and
https://www.crmc.ri.gov/regulations/fed_consistency.pdf.

27. Regional and Case-by-Case Conditions. The activity must comply with any regional conditions that may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple General Permits. The use of more than one General Permit (GP), i.e. Regional, Programmatic, and/or Nationwide, for a single and complete project is authorized, subject to the following restrictions:

a) The total acreage of loss of waters of the United States for a single and complete project cannot exceed the acreage limit of the GP with the highest specified acreage limit when multiple GPs are used to authorize an activity.

b) If only one of the GPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed that specified acreage limit.

c) If two or more of the GPs used to authorize the single and complete project have specified acreage limits, the acreage loss of waters of the United States authorized by each of those GPs cannot exceed the specified acreage limits of each of those GPs.

Note: If two or more GPs are used to authorize the single and complete project and they have two different expiration dates, the permittee must complete each activity before its corresponding GP expires.

29. Transfer of Regional General Permit Verifications. If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The successful completion of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the RGP verification letter. The certification document will include:

a) A statement that the authorized activity was done in accordance with the RGP authorization, including any general, regional, or activity-specific conditions;

b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an RGP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires Section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the Section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification. This includes all structures and work in, over, or under a Corps' federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance three times the FNP's authorized depth.

The activity may also require review and approval by the Corps pursuant to 33 USC 408 (Section 408 Permission). The prospective permittee may reach out to the points of contact listed here: <https://www.nae.usace.army.mil/Missions/Section-408/> and <https://www.nan.usace.army.mil/Missions/Regulatory/Section-408/> (for activities located within the Lake Champlain watershed) and consult the National Channel Framework mapper: <https://experience.arcgis.com/experience/b413139f18c046009ebcf62abea941dd/page/M> [ap/](https://experience.arcgis.com/experience/b413139f18c046009ebcf62abea941dd/page/M). For activities which require a Section 408 permission, verification under an RGP will not be issued prior to the decision the Section 408 permission requires. Any structure or work constructed in an FNP, or its buffer zone shall be subject to removal at the owner's expense prior to any future Corps dredging or hydrographic surveys.

Prospective permittees should contact the Corps Real Estate Division (<https://www.nae.usace.army.mil/Missions/Real-Estate-Division/>) at (978) 318-8585 for work that would occur on or would potentially affect a Corps property (or properties) and/or Corps-controlled easements. Work may not commence on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents demonstrating site-specific permission to perform work. A PCN is not required if a prospective permittee has previously obtained a Section 408 permission for their proposed activities, or a determination from the Corps that a Section 408 permission is not required for their proposed activities, and the proposed activities qualify for a non-notifying RGP.

Note: Refer to the New England District's Section 408 Program webpage that can be found at: <https://www.nae.usace.army.mil/Missions/Section-408/>. See also: *Regional Condition B, Additional PCN Requirement (Federal Projects)*.

32. Pre-Construction Notification. a) Timing. Where required by the terms of the RGP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

1) the district engineer notifies the prospective permittee in writing that the activity may proceed under the RGP with any special conditions imposed by the district engineer; or

2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed.

If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b) Contents of the Pre-Construction Notification: The PCN must include the following information:

- 1) Name, address and telephone numbers of the prospective permittee;
- 2) Location of the proposed activity;

3) Identify all GP(s) the prospective permittee proposes to use to authorize the proposed activity;

4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the RGP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other nationwide, regional, programmatic, or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an RGP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN RGP activities into RGP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the RGP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.

Note: To comply with the above GC 32(5), the following methodologies should be utilized:

(a) Wetlands should be delineated in accordance with the Corps Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement.

Wetland delineation and jurisdiction information can be found at:

<http://www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands> and <https://www.usace.army.mil/Media/Announcements/Article/4262089/1-august-2025-us-army-corps-of-engineers-enhances-aquatic-resource-delineation/>.

(b) Refer to the “Best Practices for Jurisdictional Determinations and Wetland Delineations,” which can be found on the Corps webpage at:

<https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/>. *(This is a pending document and will be published on our website when completed.)*

(c) The ordinary high water mark should be delineated (on both sides) when streams, rivers, non-tidal open waters are present on the project site. Ordinary high water mark guidance can be found in RGL 05-05

(<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1253>).

For complex, atypical, or problematic sites see:

<https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/>.

(d) Vegetated shallows should be delineated when present on the project site. Vegetated shallow survey guidance and maps can be found on the Corps webpage at:

<https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/>.

(e) All Essential Fish Habitat should be delineated when present on the project site. EFH survey guidance can be found in the current EFH programmatic, which can be found on the Corps webpage at

<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>.

6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the compensatory mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

8) For non-federal permittees, if the RGP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For RGP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act;

9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

10) For an RGP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the prospective permittee has submitted a written request for Section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

c) Form of Pre-Construction Notification: The pre-construction notification form (Form ENG 6082) should be submitted via the Regulatory Request System (RRS).

d) Agency Coordination: 1) The district engineer will consider any comments from federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the RGPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required when: (1) the prospective permittee requests a waiver for a RGP activity, or (ii) the RGP activity exceeds 1/2 acre of loss.

(3) When agency coordination is required, the district engineer will immediately provide a copy of the complete PCN to the appropriate federal or state offices (USFWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). These agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a determination on the pre-construction notification.

The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the RGPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district

engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered.

(4) In cases of where the prospective permittee is not a federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

33. Specific Resource Areas. A PCN is required for any proposed activities that would result in the loss of waters of the U.S. that exceed the listed thresholds to the following aquatic resources if a PCN is not already required by the RGP.

Aquatic Resource	Threshold
Non-tidal Wetlands	4,356 square feet (1/10-acre)
Tidal and Non-Tidal Stream	200 linear feet or 3/100-acre (whichever is less)
Tidal Wetland	500 square feet
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet
Mudflat	1,000 square feet
Intertidal	1,000 square feet

34. Discharges of Temporary Fill Material. A PCN is required for any proposed activities that would involve the discharge of temporary fill (33 CFR 323.2(e) and (f)) greater than 1/10-acre to be left in place in non-tidal wetlands for more than one growing season. The growing season is generally defined as April 1 to September 30 (See the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* for more information about determining growing season. <https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/Wetland-Delineation-Manual/>).

Note 1: The Corps will determine on a case-by-case basis, after evaluating site-specific and activity-specific circumstances whether temporary construction mats proposed for use are considered as temporary fill.

Note 2: For linear projects, crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization (33 CFR 330.2(i)). Therefore, each crossing of a water of the U.S., including wetlands could have up to 1/10-acre of temporary fill without requiring the submittal of a PCN. *Prospective permittees should be aware that the definition of what

constitutes a single and complete project per state regulations may differ from the Corps' definition. Prospective permittees should consult with the state in order to determine state requirements. *

35. Compensatory Mitigation. In addition to the requirements of RGP GC 23, Mitigation, compensatory mitigation requirements for unavoidable impacts to waters of the U.S. will be evaluated in accordance with the *New England District Compensatory Mitigation Standard Operating Procedures* (April 26, 2024) and any superseding versions thereof (<https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>).

36. Essential Fish Habitat. Essential Fish Habitat (EFH) is defined as those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802). The following RGP activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RGP as applicable to the activity, including all activity thresholds and activity-specific Conservation Recommendations (CRs) identified in the current EFH and Fish and Wildlife Coordination Act (FWCA) Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>). The National Marine Fisheries Service (NMFS) has granted General Concurrence* (50 CFR 600.920(g)) for the below listed RGPs, and these activities do not require activity-specific EFH consultation.

[Consultation with NMFS in progress. Activities with general concurrence will be added once consultation is completed]

For non-federal prospective permittees whose proposed activities would be located within EFH and that do not require a PCN per the language of the RGP or per any other general or regional condition (i.e., non-notifying), the prospective permittee shall review the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) to ensure their proposed activity complies with all applicable CRs.

a) A PCN is required for any proposed project that would exceed the activity thresholds that are included within the current EFH and FWCA Programmatic Consultation. Any proposed project that exceeds an activity threshold requires preliminary coordination/project-specific consultation.

b) For all activities that do not exceed the activity-based thresholds included within the current EFH and FWCA Programmatic Consultation, the prospective permittee shall implement the activity-specific applicable CRs. If the applicable CRs cannot be implemented, a PCN must be submitted to the Corps, and work may not commence until the Corps verifies the project under the applicable RGP(s).

Federal prospective permittees should follow their own procedures for compliance with the Magnuson-Stevens Fishery Conservation and Management Act and Fish and Wildlife Coordination Act.

Note 1: For activities proposed for authorization by an RGP that requires the submittal of a PCN, prospective permittees are encouraged to review the current EFH and FWCA Programmatic Consultation and design their proposed activities with the activity-based thresholds and incorporate applicable CRs.

Note 2: Prospective permittees can utilize the NMFS EFH mapper to determine if their proposed activities are located within EFH:
<https://www.habitat.noaa.gov/apps/efhmapper/>. Prospective permittees can also utilize the current EFH and FWCA Programmatic Consultation (<https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/>) for guidance on non-tidal waterbodies with diadromous fish.

37. RGP Documentation On-Site. The permittee shall ensure that a copy of their RGP verification letter (for notifying RGPs only) with all applicable GCs are at the worksite whenever work is being performed, and that all personnel performing work are fully aware of its terms and conditions.

38. Abandonment. If the permittee decides to abandon the activity authorized by an RGP, unless such abandonment is merely the transfer of property to another party, the permittee may be required to restore the area to the satisfaction of the Corps.

39. Time-of-Year Windows/Restrictions in Connecticut. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the State of Connecticut Department of Energy and Environmental Protection (CTDEEP) provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Unconfined Work	April 1 to June 30	July 1 to September 30
Installation and Removal of Controls in Non-Tidal Streams	----	July 1 to March 31*

*Controls must not encroach greater than 25 percent of the stream width measured from OHW during the prohibited work window.

For proposed activities that would be sited within Atlantic sturgeon critical habitat and/or anadromous waters but cannot follow the TOY windows/restrictions listed above, the prospective permittee should first coordinate with CTDEEP to obtain alternate TOY windows and/or restrictions for their proposed activities as well as any other activities conditions required or recommended by the state, prior to submitting a PCN to the Corps. For activities that require PCN submittal, in order to avoid delays in review, the prospective permittee should include documentation of this coordination and CTDEEP's required or recommended conditions with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

40. Time-of-Year Windows/Restrictions in Maine. In-water work (including physical alterations) within non-tidal and tidal waters, shall be conducted during the following time-of-year (TOY) work windows (see below table). Approval to work outside the TOY work windows must be obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using the form located at:

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in non-tidal waters or from the Maine Department of Marine Resources (DMR):

<https://www.maine.gov/dep/land/permits/pbr/index.html> for work in tidal waters. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window from IFW or DMR is not obtained, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the state’s approval for working outside the TOY restriction shall be submitted with the PCN.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 2 to July 14	July 15 to October 1
Tidal Waters	April 16 to November 14	November 15 to April 15

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

41. Time-of-Year Windows/Restrictions in Massachusetts. A PCN is required for any proposed activity located in waters of the U.S. (excluding wetlands) that does not comply with the following time-of-year (TOY) restrictions, unless the Massachusetts Division of Marine Fisheries (MA DMF) provides alternate TOY restrictions. The TOY restrictions stated in Appendix B of the MA DMF Technical Report TR-47* can apply instead if they are provided for a specific waterbody where the activity is proposed. Additionally, if MA DMF provides project-specific TOY restrictions those may also apply in lieu of the TOY restrictions listed below.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	October 1 to June 30	July 1 to September 30

Tidal Waters and Diadromous Fish Migratory Habitat**	January 15 to November 15	November 16 to January 14
--	---------------------------	---------------------------

*Massachusetts Department of Marine Fisheries (MA DMF) Technical Report, TR-47, available at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>

**Information regarding diadromous fish migratory habitat can be obtained from the following GIS website maintained by the Commonwealth of Massachusetts: <https://www.mass.gov/info-details/massgis-data-diadromous-fish>.

For proposed activities that require a PCN, prospective permittees should first coordinate with the MA DMF to obtain TOY windows and/or restrictions for their activity. Prospective permittees should include documentation of this coordination when submitting their PCN.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

42. Time-of-Year Windows/Restrictions in New Hampshire. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the New Hampshire Department of Environmental Services and/or New Hampshire Fish and Game provides alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	October 2 to July 4	July 5 to October 1
Tidal Waters	March 16 to November 14	November 15 to March 15

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate, species-specific, work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by the State of New Hampshire Department of Fish and Game. In order to avoid delays in review, the prospective permittee should include documentation of this coordination and authorization from NH Fish and Game with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum

extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

43. Time-of-Year Windows/Restrictions in Rhode Island. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless RIDEM and CRMC provide alternate TOY restrictions.

	TOY Work Restriction	TOY Work Window
Non-Tidal Waters	November 1 to June 30	July 1 to October 31
Tidal Waters	February 1 to October 14	October 15 to January 31
Anadromous Waters	March 1 to June 30	July 1 to February 28/29

For proposed activities that cannot follow the TOY windows/restrictions listed above, alternate work windows may be proposed under a PCN provided they are first coordinated with and authorized in writing by RIDEM. RIDEM may place additional constraints to protect anadromous fish species in the fall. In order to avoid delays in review, the prospective permittee should include documentation of this coordination and authorization from RIDEM with the submittal of their PCN to the Corps.

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

44. Time-of-Year Windows/Restrictions in Vermont. A PCN is required for any proposed activity located in rivers/streams that deviates from the following time-of-year (TOY) work windows (i.e., work is allowed to occur), unless the Vermont Department of Environmental Conservation (DEC) provides alternate TOY restrictions. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window is not obtained from DEC, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the above-mentioned approval for working outside the below TOY restriction shall be submitted with the PCN when received.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	October 1 to June 30	July 1 to September 30

Any proposed activity located in waters of the U.S. (excluding wetlands) shall be completed entirely “in-the-dry” or be isolated from active flows/the water column using temporary measures (i.e., cofferdams, sandbags, flume pipes, etc.) to the maximum

extent practicable. The term “in-the-dry” means work that is done under dry conditions, e.g., work behind cofferdams or when the stream or tide is waterward of the work.

45. Saint John and Saint Croix River Basins in Maine. A PCN is required for any proposed work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction, or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the boundary; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

46. Important or Rare Resources in Maine. A PCN is required for any proposed discharges of dredged or fill material within any of the following aquatic resources or resource types identified as specifically important or rare within the State of Maine which warrant additional protections:

- a) Lakes and tributaries that support arctic char and lake whitefish; or
- b) Bogs and fens

47. Lake Champlain and Lake Memphremagog in Vermont. A PCN is required for any discharge of fill material that exceeds 10 cubic yards below the plane of the ordinary high water mark of Lake Champlain and Lake Memphremagog and/or these lakes' adjacent wetlands.

48. Underwater Archaeological Resources in Massachusetts. Under Massachusetts General Law Ch. 6, s.'s 179-180, and Ch. 91, s. 63, the Board of Underwater Archaeological Resources (BUAR) has statutory jurisdiction within state waters and is the sole trustee of the Commonwealth's underwater heritage, charged within the responsibility of encouraging the discovery and reporting, as well as the preservation and protection of underwater archaeological resources. Underwater archaeological resources located within the waters of the Commonwealth of Massachusetts are property of the Commonwealth, which holds title to these resources and retains regulatory authority over their use. Under Massachusetts General Law, no person, organization or corporation may “remove, displace, damage, or destroy” any underwater archaeological resources located within the Commonwealth's submerged lands except through consultation with the BUAR and in conformity with the permits it issues.
<https://www.mass.gov/orgs/board-of-underwater-archaeological-resources>.

49. Navigation Risk Assessment. A PCN is required for any modification or expansion of an existing mooring field, unless a U.S. Coast Guard Navigation Risk Assessment (NRA) results in a “Low Risk” determination. If the prospective permittee receives a “Medium Risk” or “High Risk” assessment, they must submit a PCN to the Corps. Prospective permittees who do not complete an NRA for their mooring field activity must submit a PCN to the Corps.

Navigation Risk Assessment, Aids to Navigation (AtoN), and Charting:

- i. Coordination with the USCG can be completed by contacting via email: D01-SMB-SecNNE-Waterways@uscg.mil.

The prospective permittee shall provide the following information to facilitate completion of the NRA: applicant name/company affiliation, nautical chart, detailed drawing with dimensions, time of year, potential lighting/markings, types/materials of structures in water, planned anchoring, and any other significant information.

Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, must be installed and maintained at the permittee's expense. For required permitting, the prospective permittee shall contact USCG First District Private Aid Program Manager through D01-SMB-D01PrivateAtoN@uscg.mil. Only actual AtoNs are permitted; floats, balls, markers, mooring balls and 'highflier flags' are not considered Aids to Navigation (AtoN). See: <http://www.usharbormaster.com>.

Prospective permittees shall notify NOAA's National Ocean Service (NOS) Nautical Data Branch Office of Coast Survey to initiate chart and Coast Pilot corrections. See: <https://nauticalcharts.noaa.gov/>. Prospective permittees must also notify NOAA on removal. See Note 2 below.

- ii. For marine safety information during construction or other significant periods, prospective permittees may use the First District's Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil.

Note 1: If a PCN is required, prospective permittees shall include documentation of all required coordination with their PCN.

50. Invasive Species: The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or into areas adjacent to the project site caused by the site work shall be avoided. Native, non-invasive vegetation must be used unless otherwise authorized by the Corps, and shall not contain any species listed in Appendix K ("Invasive and Other Unacceptable Plant Species") of the current New England District Compensatory Mitigation Standard Operating Procedures located at: <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>. Equipment shall be thoroughly cleaned before and after project construction to prevent the spread of invasive species. This includes, but is not limited to, tire treads and construction mats. Information about how to avoid the spread of invasive species can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species>.

E. DEFINITIONS

Term	Definition
------	------------

Baseline	Generally, the low water line along the coast, but where the coast is deeply indented, the baseline may be a straight line joining appropriate points.
Beach nourishment	The placement of sediment, usually sand, directly on or adjacent to an eroding beach.
Beneficial use	The practice of using sediments obtained during dredging for productive purposes rather than simply disposing of them.
Best Management Practices (BMPs)	Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.
Biodegradable	A material that decomposes into elements found in nature within a reasonably short period of time and will not leave a residue of plastic or a petroleum derivative in the environment after degradation. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Examples of biodegradable materials include jute, sisal, cotton, straw, burlap, coconut husk fiber (coir) or excelsior. In contrast, degradable plastics break down into plastic fragments that remain in the environment after degradation. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable under this GP.
Boating Facilities	These provide, rent or sell mooring space, such as marinas, yacht clubs, boat yards, dockominiums, municipal facilities, land/home owners, etc. Not classified as boating facilities are piers shared between two abutting properties or municipal mooring fields that charge an equitable user fee based on the actual costs incurred.
Compensatory Mitigation	The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved. Must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx .
Confined Aquatic Disposal (CAD) cell	An engineered, underwater containment facility specifically designed for the safe and permanent disposal of contaminated sediments removed during dredging operations.
Confined Disposal Facility (CDF)	A structure built with dikes or berms on land or in shallow water to create an enclosed containment area. The dredged material is placed inside, where it eventually dewateres and consolidates, creating new upland.
Construction Mats	Construction, 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 Impacts	The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.1). Although the impact of a particular discharge may constitute a minor change in itself, the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems. See 40 CFR 230.11(g).
Currently Serviceable	Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
Discharge	The term “discharge” means any discharge of dredged or fill material into waters of the United States.
Direct Effects	Effects that are caused by the activity and occur at the same time and place.
Dredged material	Defined at 33 CFR 323.2(c) and (d). Dredged material is material that is excavated or dredged from waters of the U.S.
Enhancement	The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.
Ephemeral Stream	A stream with flowing water only during, and for a short duration, after precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.
Erosion Controls	Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary

U.S. Army Corps of Engineers, New England District, Regulatory Division
Regional General Permit: Structures and Moorings

	mulching during construction, phased construction, and permanent seeding and stabilization, etc.
Establishment (Creation)	The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.
Fill material & discharge of fill material	Defined at 33 CFR 323.2 (e) & (f). Material placed in waters of the U.S. where it 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. Fill material does not include any pollutant discharged into the water primarily to dispose of waste.
High Tide Line	The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along the shore objects, a continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.
Historic Property	Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).
Incidental fallback	The redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the U.S. when such material falls back to substantially the same place as the initial removal (33 CFR 323.2(d)(2)(iii)).
Indirect Effects	Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.
Improvement Dredging	For the purposes of this RGP, improvement dredging means dredging in a previously authorized currently serviceable area where dredging has occurred in the recent past. The proposed dredging will occur within the same footprint, but will be to depths greater than previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as

	macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Loss of waters of the United States	Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.
Maintenance Dredging	For the purposes of this RGP, maintenance dredging means dredging in a previously authorized currently serviceable area where dredging has occurred. The proposed dredging will occur within the same footprint and to depths not exceeding that which has been previously authorized by the Corps. The Corps may consider a maintenance activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Mean high water	Line on the shore reached by the plane of the average high water. Where precise determination of the actual location of the line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the “apparent shoreline” which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the line reached by the mean high water.
Mean low water	The average height of all the low waters recorded over a specific 19-year period known as the National Tidal Datum Epoch (NTDE).
Nature-based Solutions	Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively

	and adaptively, simultaneously providing human well-being and biodiversity benefits.
Navigable waters of the U.S.	Navigable waters of the U.S. are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. These waters are subject to Section 10 of the Rivers and Harbors Act of 1899 and are further defined at 33 CFR part 329.
Nearshore	An indefinite transitional zone extending seaward from the shoreline well beyond the breaker zone.
Nearshore placement	This is defined in the USACE Coastal Engineering Manual as “(1) In beach terminology an indefinite zone extending seaward from the shoreline well beyond the breaker zone. (2) The zone which extends from the swash zone to the position marking the start of the offshore zone, typically at water depths of the order of 20m.” A nearshore berm is an artificial berm built in shallow water using dredged material. Often, the berm is intended to renourish the adjacent and downdrift shore over time under the influence of waves and currents.
New Dredging	For the purposes of this RGP, new dredging means the specific area (i.e. footprint) has not been dredged previously, or dredging has not been previously authorized by the Corps, or dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.
Non-tidal wetland	A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).
Ocean waters	Defined at 33 CFR 324.2(a) as those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone.
Open water placement (disposal)	The regulated process of placing sediment removed from navigation channels at designated aquatic sites in oceans, estuaries, lakes, or rivers.
Perennial stream	A perennial stream has surface water flowing continuously year round during a typical year.
Practicable	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
Preservation	The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation

	of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.
Re-establishment	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.
Rehabilitation	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.
Restoration	The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.
Special Aquatic Sites	These include wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, sanctuaries, and refuges as defined at 40 CFR 230.40 through 230.45 and 33 CFR 330.2.
Submerged Aquatic Vegetation	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.
Seaward	The limit of jurisdiction in the territorial seas, measured from the baseline in a seaward direction for a distance of three nautical miles.
Structure	An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.
Territorial sea	The belt of water extending three nautical miles seaward from the baseline.
Tidal Wetland	A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Transportation of dredged material	Defined at 33 CFR 324.2(c) as the conveyance and related handling of dredged material by a vessel or other vehicle.
Tribal Lands	Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.
Upland	Terrestrial communities are not normally subject to inundation. Dredged material can be used to construct or improve these habitats.
Vegetated shallows	Special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems. Note: These areas are also commonly referred to as submerged aquatic vegetation (SAV).

F. DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the RGP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a prospective permittee requests authorization by a specific RGP, the district engineer should issue the RGP verification for that activity if it meets the terms and conditions of that RGP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the RGP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an RGP. If an prospective permittee requests a waiver of an applicable limit, the district engineer will only grant the waiver upon a written determination that the RGP activity will result in only minimal individual and cumulative adverse environmental effects.
2. When making minimal adverse environmental effects determinations, the district engineer will consider the direct and indirect effects caused by the RGP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an RGP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the RGP activity, the type of resource that will be affected by the RGP activity, the

functions provided by the aquatic resources that will be affected by the RGP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the RGP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add activity-specific conditions to the RGP authorization to address site-specific environmental concerns.

3. If the proposed RGP activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Prospective permittees may also propose compensatory mitigation for RGP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the prospective permittee has included in the proposal when determining whether the net adverse environmental effects of the proposed RGP activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the proposed activity complies with the terms and conditions of the RGP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the RGP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the RGP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the RGP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely

written response to the prospective permittee. The response will state that the RGP activity can proceed under the terms and conditions of the RGP, including any activity-specific conditions added to the RGP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed RGP activity are more than minimal, then the district engineer will notify the prospective permittee either: (a) that the activity does not qualify for authorization under the RGP and instruct the prospective permittee on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the RGP subject to the prospective permittee's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the RGP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the prospective permittee submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

G. FURTHER INFORMATION

1. District engineers have authority to determine if an activity complies with the terms and conditions of an RGP.
2. This RGP does not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. This RGP does not grant any property rights or exclusive privileges.
4. This RGP does not authorize any injury to the property or rights of others.
5. This RGP does not authorize interference with any existing or proposed federal project (see general condition 31).