



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

**Maine Project Office**  
442 Civic Center Drive  
Suite 350  
Augusta, Maine 04330

# PUBLIC NOTICE

**Date:** 31 March, 2020  
**Comment Period Ends:** 30 April, 2020  
**In Reply Refer To:** Jana Jacobson  
**Or by e-mail:** [jana.l.jacobson@usace.army.mil](mailto:jana.l.jacobson@usace.army.mil)

## PROPOSED REPLACEMENT AND REVISION OF THE DEPARTMENT OF THE ARMY MAINE GENERAL PERMIT (“GP”)

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 intends to replace and revise the statewide Maine General Permit, pursuant to 33 CFR 325.5(c)(1). The singular General Permit would be replaced with twenty-three activity-based General Permits (“Maine GPs or GPs”). The revised GPs would continue to authorize activities in waters of the State of Maine, and in adjacent ocean waters to the seaward limit of the outer continental shelf, including activities occurring within the boundaries of Indian tribal lands which have no more than minimal adverse effects on the aquatic environment.

The existing GP expires on October 13, 2020. The draft of the Maine GPs is attached to this public notice and may also be found at:  
[www.nae.usace.army.mil/missions/regulatory.aspx](http://www.nae.usace.army.mil/missions/regulatory.aspx) >Public Notices>Maine General Permit.

The revised GPs would continue the expedited review process for activities in Corps jurisdiction under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. This public notice is issued in accordance with 33 CFR 325.3(b) to continue the coordination process with federal resource agencies, state agencies, and the public for the replacement of the GP.

General Permits are used as a way to streamline state and federal regulatory programs. The New England District has already had success with streamlining these programs with the use of statewide GPs throughout New England. A statewide general permit has been in place in Maine since 1983 and was the first of its kind in New England.

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

Project eligibility under these GPs would fall into two categories: Self-Verification (“SV”) and Preconstruction Notification (“PCN”). The Corps would continue to review PCN activities along with state and federal resource

agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Marine Fisheries Service) as applicable. Through project review, the Corps would determine if the individual and cumulative adverse environmental impacts for PCN projects are minimal and whether the project may proceed under the appropriate GP.

Activities authorized by these GPs must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the site of the activity(s). Compensatory mitigation for unavoidable impacts to waters of the U.S., including direct, secondary and temporal loss, will generally be required for permanent impacts that exceed the SV area limits (SV area limits are detailed in Section V beginning on page 20), and may be required for temporary impacts that exceed the SV area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. The SV limits and mitigation requirements described in this notice will be finalized by the Corps based on comments from interested or affected public as well as those agencies who speak to the public interest.

Projects that do not meet the terms and conditions of the GPs would require an Individual Permit. The pending replacement of the GP does not alter the Individual Permit review procedures. The reissuance also would not alter the federal exemptions (33 CFR Part 323.4), which are not necessarily the same as the State of Maine's exemptions. In addition, GP authorizations would not be valid until all other required federal and state permits and/or certifications, as listed in the GPs, are obtained.

**33 U.S.C 408:** Activities authorized under the proposed ME GPs may require separate permission pursuant to 33 U.S.C. 408 if the activities will alter or temporarily or permanently occupy or use a federally authorized Civil Works project. Activities authorized under the proposed ME GPs, pursuant to Section 10/404/103, shall not be granted until the Section 408 permission is issued. Through this public notice we are soliciting information necessary to inform the Corps' evaluation and review of activities in which the scope and jurisdiction between the Section 10/404/103 and Section 408 activities align. The Corps, New England District, will either publish separate public notices or a combined public notice, as appropriate, for Section 408 activities where some of the Section 408 activities are outside of the Section 10/404/103 jurisdiction.

**Essential Fish Habitat ("EFH"):** In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the federal fishery management councils ("Councils") to designate EFH for all federally managed fish species. The EFH applies to those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. The EFH designations made by the Councils include most of Maine's coastal waters, estuaries and rivers. Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires that federal agencies proposing to authorize, fund, or to undertake actions which may adversely affect EFH consult with National Marine Fisheries Service ("NMFS") regarding the action. Accordingly, the Corps will consult with NMFS regarding the actions proposed to be permitted under the revised GP.

**Endangered Species Consultation ("ESA"):** It is the District Engineer's preliminary determination that the proposed GPs are not likely to adversely affect any federally-listed endangered or threatened species or their designated critical habitat. The Corps will be consulting with the NMFS and U.S. Fish and Wildlife Service on this determination.

**National Historic Preservation Act:** It is the District Engineer's preliminary determination that the proposed work may affect properties listed in, or eligible for listing in, the National Register of Historic Places. The Corps will be initiating consultation with the Maine Historic Preservation Commission and Maine's Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended.

**Water Quality Certification:** State 401 water quality certification (“WQC”) pursuant to section 401 of the Clean Water Act, or waiver thereof, is required from the state, authorized tribes, or EPA where applicable, prior to the issuance or reissuance of general permits authorizing activities that may result in a discharge into waters of the U.S. The Corps will be requesting the Maine Dept. of Environmental Protection (“Maine DEP”) and Land Use Planning Commission (“LUPC”) determine whether to issue, deny, or waive Water Quality Certification.

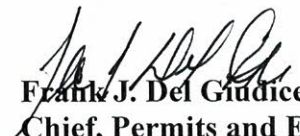
**Coastal Zone Management Consistency:** Section 307(c)(1) of the Federal Coastal Zone Management (“CZM”) Act of 1972, as amended, requires the Corps to provide a consistency determination and receive state concurrence prior to the issuance, reissuance, or expansion of activities authorized by a GP that authorizes activities within a state with a federally-approved Coastal Management Program when activities that would occur within, or outside, that state’s coastal zone would affect land or water uses or natural resources of the state’s coastal zone. The State of Maine has an approved CZM Program. The Corps will be requesting that the Maine Department of Agriculture, Conservation, and Forestry concur with the Corps consistency determination for activities authorized under the revised GPs.

**Comments:** The Corps will consider all comments that are ultimately received to determine whether to issue, modify, or further condition the Maine GPs. All comments will be considered a matter of public record. Comments on the proposed GPs must be submitted in writing by the above date. If you have any questions or would like a copy of the proposed Maine GPs, please contact: Jana Jacobson, Project Manager; US Army Corps of Engineers; phone at (207) 623-8367; email at [jana.l.jacobson@usace.army.mil](mailto:jana.l.jacobson@usace.army.mil); or the address above.

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

For more information on the New England District Corps of Engineers programs, including the present Maine GP, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**Frank J. Del Giudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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

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

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

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues 23 General Permits (GPs), listed below, for activities subject to Corps jurisdiction in waters of the United States within the boundaries of the State of Maine, and in adjacent ocean waters to the seaward limit of the outer continental shelf. These GPs are issued in accordance with Corps regulations at 33 CFR 320 – 332 and specifically 33 CFR 325.2(e)(2). These GPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects.

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## **I. CORPS JURISDICTION**

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

a. The construction of any structure in, over or under any navigable water of the U.S. (see 33 CFR 328), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322);

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

c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (see 33 CFR 324).

2. Related laws: Section 408 of the Rivers and Harbors Act of 1899, Section 401 of the Clean Water Act, Section 402 of the Clean Water Act, Section 307(c) of the Coastal Zone Management Act of 1972, the National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Magnuson-Stevens Fishery Conservation and Management Act, Section 302 of the Marine Protection, Research and Sanctuaries Act of 1972, and Section 7(a) of the Wild and Scenic Rivers Act.

## II. GENERAL CRITERIA

1. In order for activities to qualify for these GPs, they shall meet the GPs terms and eligibility criteria (Pages 1 - 4), and all applicable general conditions (GCs) (pages 5 - 19), and Maine General Permits (pages 20 - 32).
2. Under these GPs, activities may qualify for the following:
  - **SELF-VERIFICATION (SV):** Notification to the Corps is required at least two weeks before work commences; the Corps will acknowledge receipt of this form in writing.
  - **PRE-CONSTRUCTION NOTIFICATION (PCN):** Notification to and written verification from the Corps is required. *No work under PCN may proceed until written verification from the Corps is received.*

The thresholds for activities eligible for SV and PCN are defined in the general conditions found on pages 5 – 19 and Maine General Permits found on pages 20 – 32.

3. Prospective permittees shall review:
  - a. Section II to determine if the activity requires Corps authorization.
  - b. Sections III , IV, and V to determine if the activity is eligible for authorization under these GPs, specifically whether it is eligible for SV or whether PCN is required.
4. Prospective permittees are encouraged to contact the Corps with questions at any time (U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, Maine 04330, ph. 207-623-8367). Pre-application meetings (see 33 CFR 325.1(b)), whether arranged by the Corps or requested by a prospective permittee, are encouraged to facilitate the review of projects. Pre-application meetings and/or site visits help streamline the authorization process by alerting prospective permittee to potentially time-consuming concerns that are likely to arise during the evaluation of their project (e.g., avoidance, minimization and compensatory mitigation requirements, historic properties, endangered species, essential fish habitat, vernal pools, and dredging contaminated sediments).
5. Permittees shall ensure compliance with all applicable GCs in Section IV, pages 5 – 19 and GPs in Section V, pages 20 – 32. Non-compliance with these GPs and GCs may subject the permittee to criminal, civil, or administrative criminal penalties and/or an ordered restoration, and/or the permit may be modified, suspended or revoked by the Corps.

### III. PROCEDURES

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

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

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

2. How to Obtain/Apply for Corps Authorization.

a. SV: Prospective permittees shall confirm that the activity meets all terms and conditions of SV. Consultation with the Corps and/or other relevant federal and state agencies may be necessary to ensure compliance with the applicable general conditions (GCs) and related federal laws such as the National Historic Preservation Act (GC 14), the Endangered Species Act (GC 15), the Magnuson-Stevens Fishery Conservation and Management Act (GC 16) and the Wild and Scenic Rivers Act (GC 12). Prospective permittees are encouraged to contact the Corps with SV-eligibility questions. Activities that are eligible for SV are authorized under these GPs and may commence without written verification from the Corps provided the prospective permittee has:

- i. Confirmed that the activity meets all terms and conditions of SV.
- ii. At least two weeks before work commences, submits to the Corps a SVNF with all of the following attachments: location map, project plans, and an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (see GC 15).

***NOTE: A copy of a state permit application form may be an acceptable surrogate for the SVNF itself; however, the applicant shall not rely on the state to provide the Corps a copy of their state permit application.***

b. PCN: Notification to, and written verification from the Corps is required. For activities that do not qualify for SV or where otherwise required by the terms of the GPs, the prospective permittee shall submit a PCN and obtain written verification before starting work in Corps jurisdiction.

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

All prospective permittees for PCN activities shall follow the instructions in Section VII, pages 33 – 38, and in particular:

- i. Submit directly to the Corps application form *ENG Form 4345* (pages 37 – 39), or the surrogate state permit application form as noted above.
- ii. Provide project information outlined on pages 34 – 36 (Content of a Pre-Construction Notification).

iii. Submit an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (GC 15).

iv. Provide notification to the State Historic Preservation Officer (SHPO) (the SHPO in the state of Maine is the Maine Historic Preservation Commission, MHPC) and the five federally-recognized tribes in the state of Maine (Tribal Historic Preservation Officers, or THPOs) listed in Section VIII, pages 40 – 42, at the same time, or before, submitting the PCN to the Corps, in order to be reviewed for the presence of historic, archeological, architectural, or tribal resources in the action area that the activity may affect (GC 14). The PCN shall include documentation that MHPC and the THPOs were notified (a copy of the prospective permittee's cover letter to MHPC and the THPOs and/or a copy of MHPC or THPOs response letters is acceptable).

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

d. **Individual Permit (IP).** Projects that are not authorized by these GPs require an IP (33 CFR 325.5) and proponents must submit an application directly to the Corps. These GPs do not affect the Corps IP review process or activities exempt from Corps regulation. For general information and application form, contact the Corps. The Corps encourages prospective permittees to apply concurrently for a Corps IP and applicable state permits.

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

#### IV. GENERAL CONDITIONS

An activity is authorized under these GPs only if that activity and the permittee satisfy all of the GPs terms and the following general conditions:

1. Federal Jurisdiction.
2. Other Permits.
3. Water Quality and Coastal Zone Management.
4. Fills Within 100-Year Floodplains.
5. Discretionary Authority.
6. Single and Complete Project.
7. Use of Multiple General Permits.
8. Mitigation (Avoidance, Minimization, and Compensatory Mitigation).
9. Corps Projects and Property.
10. Navigation.
11. National Lands.
12. Wild and Scenic Rivers.
13. St. John/St. Croix Rivers.
14. Historic Properties.
15. Federal Threatened and Endangered Species.
16. Essential Fish Habitat.
17. Aquatic Life Movements and Management of Water Flows.
18. Spawning, Breeding, and Migratory Areas.
19. Vernal Pools.
20. Restoration of Special Aquatic Sites (Including Wetland Areas).
21. Invasive and Other Unacceptable Species.
22. Soil Erosion, Sediment, and Turbidity Controls.
23. Time-of-Year Work Windows/Restrictions.
24. Pile Driving and Removal.
25. Temporary Fill.
26. Heavy Equipment in Wetlands or Mudflats.
27. Bank and Shoreline Stabilization.
28. Stream Work and Crossings, and Wetland Crossings.
29. Utility Line Installation and Removal.
30. Storage of Seasonal Structures.
31. Aquaculture.
32. Permit(s)/Authorization Letter On-Site.
33. Inspections.
34. Maintenance.
35. Federal Liability.
36. Property Rights.
37. Previously Authorized Activities.
38. Transfer of GP Verifications.
39. Modification, Suspension, and Revocation.
40. Special Conditions.
41. False or Incomplete Information.
42. Abandonment.
43. Enforcement Cases.
44. Duration of Authorization.



**1. Federal Jurisdiction.**

a. Applicability of these GPs shall be evaluated with reference to federal jurisdictional limits. Activities shall be evaluated with reference to “waters of the U.S.” under the Clean Water Act (33 CFR 328) and “navigable waters of the U.S.” under Section 10 of the Rivers and Harbors Act of 1899 (33 CFR 329). Prospective permittees are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328 – 229. These sections prescribe the policy, practice and procedures to be used in determining the extent of the Corps’ jurisdiction. Note: Waters of the U.S. includes all waters pursuant to 33 CFR 328.3(a), and in adjacent wetlands as that term is defined in 33 CFR 328.3(c).

b. Permittees shall document on project plans all aquatic resources on the project site. The aquatic resources are all presumed to be waters of the U.S. unless an approved jurisdictional determination has been obtained from the Corps that determines otherwise. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent regional supplement pertaining to the state of Maine.

**2. Other Permits.** Permittees shall obtain other Federal, State, or local authorizations as required by law. Prospective permittees are responsible for applying for and obtaining all required State or local approvals including a Flood Hazard Development Permit issued by the town/city. Work that is not regulated by the State, but is subject to Corps jurisdiction, may be eligible for authorization under these GPs.

**3. Water Quality and Coastal Zone Management.**

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

b. Permittees shall satisfy any additional conditions imposed by the state in their Coastal Zone Management (CZM) Act of 1972 consistency concurrences for these GPs, or in any Individual CZM consistency concurrences. The Corps may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**4. Fills Within 100-Year Floodplains.** The activity shall comply with applicable Federal Emergency Management Agency (FEMA)-approved State or local floodplain management requirements.

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

**6. Single and Complete Project.** The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. These GPs shall not be used for piecemeal work and shall be applied to single and complete projects.

a. For non-linear projects, a single and complete project must have independent utility. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

b. Unless the Corps determines the activity has independent utility, all components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project.

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

**7. Use of Multiple General Permits.** The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 10, with an associated utility line crossing authorized by GP 9, if the maximum acreage loss of waters of the U.S. for the total project is  $\geq 3$  acres it shall be evaluated as an IP.

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

a. Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the site of the activity(s). Consideration of mitigation (avoiding, minimizing, rectifying, or compensating) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.

b. Compensatory mitigation for unavoidable impacts to waters of the U.S., including direct, secondary and temporal loss, will generally be required for permanent impacts that exceed the SV area limits (SV area limits are detailed in Section V beginning on page 20), and may be required for temporary impacts that exceed the SV area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

c. Mitigation proposals shall follow the guidelines found in the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule April 10, 2008; 33 CFR 332 (which can be found at [www.nae.usace.army.mil/Missions/Regulatory/Mitigation](http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation) under "Compensatory Mitigation Rule"). The New England District recommends permittees, as compensation for unavoidable impacts to aquatic resources of the U.S. in the State of Maine, to make monetary payment *in-lieu* of permittee-responsible mitigation pursuant to Section 404 of the Clean Water Act. Information regarding this compensatory program can be found at [www.mnrcp.org](http://www.mnrcp.org)

**9. Corps Projects and Property.**

a. Corps projects and property can be found at: [www.nae.usace.army.mil/Missions/Civil-Works](http://www.nae.usace.army.mil/Missions/Civil-Works)

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

c. Any proposed temporary or permanent modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States), which may obstruct or impair the usefulness of the Federal project in any manner, is not eligible for SV and requires review and approval by the Corps pursuant to 33 USC 408 (Section 408).

d. A PCN is required for all work in, over, under, or within a distance of three times the authorized depth of a Corps Federal Navigation Project (FNP) and may require permission under Section 408.

e. Any structure or work that extends closer to the horizontal limits of any FNP than a distance of three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

f. Where a Section 408 permission is applicable, written verification for the PCN will not be issued prior to the decision on the Section 408 permission request.

#### **10. Navigation**

- a. There shall be no unreasonable interference with general navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.
- b. Work in, over, under, or within a distance of three times the authorized depth of an FNP shall specifically comply with GC9.
- c. 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 U.S. and may be authorized under General Permit #4 (page 27).
- d. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

**11. National Lands.** For non-federal permittees, activities that impinge upon the value of any National Wildlife Refuge, National Forest, or any area administered by the National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS) or U.S. Forest Service (USFS) are not eligible for SV.

#### **12. Wild and Scenic Rivers.**

- a. The following activities in designated rivers of the National Wild and Scenic River (NWSR) System, or in a river designated by Congress as a "study river" for possible inclusion in the system, require a PCN unless the National Park Service has determined in writing to the prospective permittee that the proposed work will not adversely affect the NWSR designation or study status:
  - i. Activities that occur in NWSR segments, in and 0.25 miles up or downstream of NWSR segments, or in tributaries within 0.25 miles of NWSR segments;
  - ii. Activities that occur in wetlands within 0.25 miles of NWSR segments;
  - iii. Activities that have the potential to alter free-flowing characteristics in NWSR segments.
- b. As of October 13, 2020, National Wild and Scenic Rivers in Maine include: the Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 miles); and 11.25 miles of the York River, in the State of Maine, from its headwaters at York Pond to the mouth of the river at York Harbor (the York River is currently under study).

**13. St. John/St. Croix Rivers.** Work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission is not eligible for SV and a PCN to the Corps is required if any temporary or permanent use, obstruction or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the line; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

#### **14. Historic Properties.**

- a. No undertaking shall cause effects (as defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unknown historic properties within the permit area, unless the Corps or another federal action agency has satisfied the consultation requirements of Section 106 of the NHPA. The majority of historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archeological consultants in coordination with the Corps and the State Historic Preservation Officer (SHPO) (the SHPO in the state of Maine is the Maine Historic Preservation Commission, MHPC) and/or five federally-recognized tribes in the state of Maine (Tribal

Historic Preservation Officers, or THPOs). The MHPC, the THPOs, and the National Register of Historic Places can assist with locating information on:

- i. previously identified historic properties; and
- ii. areas with potential for the presence of historic resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and MHPC and/or the THPO(s).

b. For activities eligible for SV, permittees shall ensure and document that the activity(s) will not cause effects as stated above in 14(a). A PCN shall be required if an activity may have an adverse effect to historic properties. The PCN shall be submitted as soon as possible if a proposed activity may cause effects as stated above in 6(a) a to ensure that the Corps is aware of any potential effects of the proposed activity on any historic property to ensure all Section 106 requirements are met.

c. All PCNs shall:

- i. show notification to MHPC and all five THPOs for their identification of historic properties;
- ii. state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties; and
- iii. include any available documentation from MHPC or the THPO(s) indicating that there are or are not historic properties affected.

d. The requirements to comply with Section 106 of the NHPA may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at [www.nae.usace.army.mil/Missions/Regulatory](http://www.nae.usace.army.mil/Missions/Regulatory)

e. If the permittee discovers any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, the permittee shall immediately notify the district engineer of what was found, and 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.

f. Federal agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements.

g. Federal and non-federal applicants should coordinate with the Corps before conducting any onsite archeological work (reconnaissance, surveys, recovery, etc.) requested by MHPC or THPOs, as the Corps will determine the permit area for the consideration of historic properties based on 33 CFR 325 Appendix C. This is to ensure that work done is in accordance with Corps requirements.

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

a. No activity is authorized by these GPs which:

- i) is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species;

- ii) "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed;

- iii) is "likely to adversely affect" a listed species or critical habitat unless Section 7 consultation has been completed by the Corps or another lead action agency under the provisions of a Programmatic Agreement as addressed in Standard Local Operating Procedures (SLOPES) (as of October 12, 2020, the only species addressed by SLOPES in this regard is Atlantic salmon); or

- iv) violates the ESA.

b. All prospective permittees shall attach to their SVNF or PCN a copy of an Official Species List obtained from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) found at: <https://ecos.fws.gov/ipac/> and provide the email address of the person who generated the list.

c. For federally-listed species in tidal waters, prospective permittees should refer to the National Marine Fisheries Service (NMFS) Section 7 Mapper found at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html>

d. A PCN is required if a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as “listed species or habitat”), as identified under the ESA, may be affected by the proposed work unless otherwise addressed in SLOPES (as of October 12, 2020, the only species addressed by SLOPES in this regard is northern long-eared bat).

e. Federal agencies shall follow their own procedures for complying with the requirements of the ESA. Non-federal representatives designated by the Corps to conduct informal consultation or prepare a biological assessment should follow the requirements in the designation document(s) and the ESA. Federal permittees and non-federal representatives must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary. Unless it is required elsewhere in this document, a PCN is not required if: (i) another (lead) federal agency has completed all required Section 7 consultation; or (ii) a non-federal representative designated by the Corps in writing has completed all required Section 7 informal consultation.

f. The requirements to comply with Section 7 of the ESA may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at [www.nae.usace.army.mil/Missions/Regulatory](http://www.nae.usace.army.mil/Missions/Regulatory)

#### 16. Essential Fish Habitat.

a. PCN activities in tidal waters and the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration, shall be reviewed for the potential to adversely affect Essential Fish Habitat (EFH) (SV activities have been determined to result in no more than minimal adverse effects to EFH):

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

b. Prospective permittees may be required to describe and identify potential adverse effects to EFH and should refer to the National Oceanic and Atmospheric Administration Fisheries’ EFH Mapper found at: [www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper](http://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper)

c. The requirements to comply with the Magnuson-Stevens Fishery Conservation and Management Act may be satisfied by a Programmatic Agreement (PA) or Programmatic Consultation (PC) with the Corps, New England District or another federal agency. New England District PAs and PCs are found at: [www.nae.usace.army.mil/Missions/Regulatory](http://www.nae.usace.army.mil/Missions/Regulatory)

#### 17. Aquatic Life Movements and Management of Water Flows.

a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water. Unless otherwise stated, activities permanently impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies and wetlands shall be:

i. Suitably spanned, bridged, culverted, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and

ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the crossing.

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

c. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity

may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

d. Activities that temporarily or permanently impact upstream or downstream flood conditions require a PCN.

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

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

b. Jurisdictional activities in waters of the U.S. that provide value as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the USFWS Maine Field Office (contact info in Section VIII) to determine applicable measures to reduce impacts 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.

#### **19. Vernal Pools.**

a. The State of Maine has specific protections for vernal pools (VPs).

b. A PCN is required if a discharge of dredged or fill material is proposed in VPs located within waters of the U.S.

c. GC 19(b) and (c) do not apply to projects that are within a municipality that meets the provisions of a Corps-approved VP Special Area Management Plan (SAMP) and are otherwise eligible for SV, and the applicant meets the requirements to utilize the VP SAMP.

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

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

b. The introduction or spread of invasive plant species in disturbed areas shall be controlled. If construction mats are to be used, they shall be thoroughly cleaned before re-use.

c. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation. Original condition means protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Restoration shall typically commence no later than the completion of construction.

d. Upon completion of construction, all areas of authorized disturbed wetland area shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix D in the “New England District Compensatory Mitigation Guidance” found at: [www.nae.usace.army.mil/Missions/Regulatory/Mitigation](http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation).

#### **21. Invasive and Other Unacceptable Species.**

a. For the purposes of these GPs, plant species that are considered invasive and unacceptable are provided in Appendix K “Invasive and other Unacceptable Plant Species” of the “Compensatory Mitigation Guidance” and is found at [www.nae.usace.army.mil/Missions/Regulatory/Mitigation](http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation). The June 2009 “Corps of Engineers Invasive Species Policy” provides policy, goals and objectives and is located at [www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species](http://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species).

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

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

**22. Soil Erosion, Sediment, and Turbidity Controls.**

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

b. Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland.

c. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

**23. Time-of-Year Work Windows/Restrictions.** For activities where work is authorized in streams and tidal waters that causes turbidity, sediment re-suspension, or other construction related disturbances, work must be conducted during the following time of year (TOY) work allowed windows for SV unless otherwise authorized by the Corps under PCN. Written justification shall be provided if the work cannot be constructed within the following windows:

	<u>TOY Restriction</u> (no work)	<u>TOY Work Window</u> (work allowed)
Non-tidal waters	Oct. 1 <sup>st</sup> to Jul. 14 <sup>th</sup>	Jul. 15 <sup>th</sup> to Sep. 30 <sup>th</sup>
Tidal waters	Apr. 10 <sup>th</sup> to Nov. 8 <sup>th</sup>	Nov. 8 <sup>th</sup> to Apr. 9 <sup>th</sup>

Alternate windows authorized under PCN may include species-specific windows recommended by the USFWS, NMFS, Maine Department of Inland Fisheries and Wildlife (IF&W), and/or Maine Department of Marine Resources (DMR).

**24. Pile Driving and Removal in Navigable Waters.**

a. Derelict, degraded, or abandoned piles and sheet piles in the project area shall be removed in their entirety and properly disposed of in an upland location and not in wetlands. In areas of fine-grained substrates, piles/sheets shall be removed by direct, vibratory, or clamshell pull method in order to minimize potential turbidity and sedimentation impacts. If removal is not practicable, said piles/sheets shall be cut off or driven to a depth of at least one foot below substrate.

b. Work involving pile installation and/or removal shall adhere to one of the five methods below:

- i. In-the-dry, or
- ii. In-water between Nov. 8<sup>th</sup> to Apr. 8<sup>th</sup>, or
- iii. Drilled and pinned to ledge, or
- iv. Vibratory hammers used to install any size and quantity of wood, concrete, or steel, or
- v. Impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any diameter, concrete piles ≤18-inches diameter, steel piles ≤12-inches diameter if: (1) the hammer is ≤3,000 pounds and a wood cushion is used between the hammer and steel pile, or (2) a soft start is used. Soft starts require an initial set of three strikes from the impact hammer at 40% energy, followed by a 1-minute waiting period between subsequent three-strike sets. The soft-strike procedure shall be conducted any time hammering ceases for more than 30 minutes.

**25. Temporary Fill.**

a. Temporary fill, including but not limited to construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.

b. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.

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

d. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.

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

**26. Heavy Equipment in Wetlands or Mudflats.** Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and to the maximum extent practicable such equipment shall not be stored, maintained or repaired in wetlands. Where construction requires heavy equipment operation in wetlands, the equipment shall: a) have low ground pressure (typically <3 psi); b) be placed on swamp/construction/timber mats (herein referred to as "construction mats" or "mats") that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or c) be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen or dry conditions. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the following construction mat best management practices:

- Mats should be in good condition to ensure proper installation, use and removal.
- Mats should be carried and not dragged unless they are being used as a grading implement.
- Mats should be placed in a location that would minimize the amount needed for the wetland crossing.
- Minimize impacts to wetland and mudflat areas during installation, use, and removal.
- Install adequate erosion and sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, mats.

• In most cases, mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Mats should be placed far enough on either side of the resource area to rest on firm ground.

**27. Bank and Shoreline Stabilization.**

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

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



**SV conditions for non-tidal bank and shoreline stabilization activities:**

- a. Fill shall be  $\leq 500$  linear feet in total length as measured below the ordinary high water mark (OHWM);
- b. Fill placed below the OHWM shall be  $\leq 1$  cubic yard per linear foot;
- c. Structures/fill shall not be angled steeper than 1H:1V and shall consist of angular or subangular stone or fiber roll.
- d. No material shall be of the type, or placed in any location, or in any manner, to impair surface water flow into or out of any water of the U.S.;
- e. No material shall be placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas);
- f. The activity shall not be a stream channelization activity; and
- g. Work below the OHWM shall be conducted "in-the-dry" or shall utilize erosion controls such as inflatable cofferdams, jersey barrier, silt screen, turbidity curtain, etc. in order to prevent sediment input to the water and to minimize turbidity and sedimentation impacts for sensitive life stages.

**SV conditions for tidal bank and shoreline stabilization activities:**

- a. Fill shall be  $\leq 500$  linear feet in total length as measured below the high tide line (HTL);
- b. Fill placed below the HTL shall be  $\leq 1$  cubic yard per linear foot;
- c. No fill or equipment shall occur in special aquatic sites (SAS) including submerged aquatic vegetation (SAV);
- d. Intertidal work shall be done in-the-dry;
- e. No structures/fill shall be steeper than 1H:1V and shall consist of angular or subangular stone or fiber roll ; and
- f. No driving of piles or sheeting.

**28. Stream Work and Crossings, and Wetland Crossings.**

- a. A PCN is required for all new and replacement crossings in navigable waters.
- b. A PCN is required for activities that result in unavoidable impacts to wetlands in excess of SV thresholds.
- c. In-stream work and crossings and wetland crossings shall adhere to all applicable GCs including but not limited to:
  - i. GC 15 (Federally Threatened and Endangered Species.)
  - ii. GC 16 (Essential Fish Habitat.)
  - iii. GC 17 (Aquatic Life Movements and Management of Water Flows.)
  - iv. GC 22 (Soil Erosion, Sediment and Turbidity Controls.)
  - v. GC 23 (Time-of-Year Work Windows/Restrictions.)
  - vi. GC 24 (Temporary Fill.)
  - vii. GC 26 (Bank Stabilization.)
- d. Slip Lining. A PCN is required for any work resulting in a decreased width, height, or diameter of an existing crossing (e.g. slip lining and invert lining).
- e. Culvert Extensions. A PCN is required for any extension to an existing culvert.
- f. Scour protection or armoring of the inlet and/or outlet of a crossing shall not disrupt normal flow patterns or 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 (see GC 17).
- g. The permittee shall maintain the work authorized herein in good condition and in conformance with the terms and general conditions of this permit to facilitate aquatic life passage as stated in GC 17. Culverts that develop "hanging" inlets or outlets, result in bed washout, or a stream that doesn't match the characteristics of the substrate in the natural stream channel such as mobility, slope, stability confinement will require maintenance or repair to comply with this GC (this does not apply to temporary stream crossings).
- h. Maintenance and Replacement Information. An existing stream crossing must be authorized and in compliance with all conditions of its authorization(s) to qualify for maintenance not subject to regulation. A non-serviceable crossing is not eligible for maintenance and is therefore considered as a replacement crossing.

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

- a. Crossings shall be designed and constructed using the techniques and principles outlined in Stream Simulation, Stream Smart, or Habitat Connectivity Design.
- b. Crossings shall be designed to be at least 1.2 times bankfull width. Any footings, abutments, and/or abutment armoring shall also be at least 1.2 times bankfull width.
- c. Crossings shall have a natural bottom substrate under or within the structure matching the characteristics of the substrate in the natural stream channel. Crossings must be designed and constructed with appropriate streambed forms and streambed characteristics so that water depths and velocities are comparable to those found in the adjacent natural channel at a variety of flows.
- d. Crossings shall include a bank on both sides of the stream matching the horizontal profile of the existing stream and banks in order to allow terrestrial passage for wildlife and to prevent undermining of the footings as applicable.
- e. Closed bottom culverts shall be embedded at least 25 percent of the maximum height of the culvert.
- f. No unconfined fill or excavation in flowing waters is allowed. In-stream construction work shall be conducted "in-the-dry" under no-flow conditions or by using cofferdams, temporary flume pipes, culverts, etc. Downstream flows shall be maintained during in-stream construction. It is recommended that project plans include pertinent details for working in-the-dry and maintaining downstream flows.
- g. Conditions (a) thru (e) immediately above do not apply to temporary stream crossings; however, in addition to conditions (e) immediately above, temporary stream crossings shall adhere to the following:
  - i. Be placed on geotextile fabric or other material where practicable to ensure restoration to the original grade. Soil may not be used to construct or stabilize these structures and rock must be large enough to allow for easy removal without disrupting the streambed.
  - ii. Be designed and maintained to withstand and pass high flows. Water height shall be no higher than the top of the culvert's inlet. A minimum culvert diameter of two feet is required to pass debris. Culverts must be aligned to prevent bank erosion or streambed scour.
  - iii. Be equipped with energy dissipating devices installed downstream if necessary to prevent scour.
  - iv. Be designed and maintained to prevent soil from entering the waterbody.
  - v. Be removed upon the completion of work. Impacts to the streambed or banks requires restoration to their original condition using the methods in (a) above.

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

- a. Crossings are recommended to meet the conditions for SV; written justification shall be provided for any deviation from SV conditions.
- b. Crossings shall be designed using the least intrusive and environmentally damaging method following this sequential minimization process: 1) spans with no stream impacts, 2) spans with stream impacts, and 3) embedded culverts with Stream Simulation, Stream Smart, or Habitat Connectivity.

**Conditions for Wetland Crossings:**

- a. New and replacement wetland crossings that are permanent shall be constructed in such a manner as to preserve hydraulic and ecological connectivity, at its present level, between the wetlands on either side of the road. Crossing structures commonly include but are not limited to spans and culverts. To meet this condition, spans or culverts should be placed at least every 50 feet with an opening at least 2 feet high and 3 feet wide at ground level. Closed bottom culverts should be embedded at least 6 inches and should have a natural bottom substrate within the structure. Alternative crossing designs that preserve wetland hydraulic and ecological connectivity (e.g. "rock sandwiches") may also be considered.
- b. Wetland Crossings shall adhere to all applicable GCs including but not limited to:
  - i. GC 15 (Federally Threatened and Endangered Species.)
  - ii. GC 17 (Aquatic Life Movements and Management of Water Flows.)
  - iii. GC 22 (Soil Erosion, Sediment and Turbidity Controls.)
  - iv. GC 24 (Temporary Fill.)
- c. Any work that results in flooding, or impacts to wetland drainage from the upgradient side of the wetland crossing does not qualify for SV.
- d. In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity.

**29. Utility Line Installation and Removal.**

a. Subsurface utility lines in jurisdictional waters shall be maintained in such a way so that they remain subsurface. If it is necessary to discharge dredged or filled material to keep such utility lines buried or restore them to their original subsurface condition, a PCN and written verification from the Corps may be required (e.g., in the case of side casting into wetlands from utility trenches).

b. For subsurface utility lines the bottom and side slope cover associated with the initial installation under FNP is a technical determination. The depth requirement varies based on geotechnical (composition of bottom materials and layering), hydraulic (current, or wave induced scour depth), navigation (propeller induced scour depth and ships' anchor penetration), maintenance dredging (penetration of barge spuds), construction factors (energy from blasting potentially transmitted to utility crossings), physical conditions (exposed open water conditions or sheltered/harbor conditions), and the proposed location of the utility crossing within any FNP or within navigable waters, including areas dredged by others. On a case-by-case basis, the Corps will determine the depth and cover requirements for each proposed utility crossing. Additional conditions to the GP will be attached to address pre and post installation requirements. In waterways that do not have existing FNPs, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

c. Aerial utility lines that cross navigable waters must meet minimum clearances (See 33 CFR 322.5(i)).

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

e. For new installations within waters of the U.S., any abandoned or inactive utility lines should be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) shall be removed or repaired to the extent practicable. A PCN is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.

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

**30. Storage of Seasonal Structures.** Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year shall be stored in an upland location and not in wetlands, tidal wetlands, their substrate, or on mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is waterward of the MHW mark or the OHWM, e.g. the storage of a ramp or gangway on the pile-supported pier. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps approval and local harbormaster approval.

**31. Aquaculture.** Activities involving the cultivation of Atlantic salmon and other salmonids, or other federally-listed threatened or endangered species are not eligible for authorization under these GPs. All other aquaculture activities shall adhere to all applicable GCs including but not limited to:

a. GC 2 (Other Permits.) In particular, permittees shall maintain a current State of Maine Department of Marine Resources lease.

b. GC 9 (Corps Projects and Property.)

c. GC 10 (Navigation.)

d. GC 15 (Federal Threatened and Endangered Species.)

e. GC 16 (Essential Fish Habitat.)

f. GC 17 (Aquatic Life Movements and Management of Water Flows.)

g. GC 29 (Storage of Seasonal Structures.)

**SV Conditions for Aquaculture:**

a. Shall not exceed 400SF in area.

b. Shall not include enclosures or impoundments.

c. Shall be limited to shellfish and/or marine algae.

- d. Shall not permanently impact tidal special aquatic sites (SAS), intertidal areas, natural rocky habitats, or areas containing shellfish.
- e. No structures, cages, gear, or shell hash shall be located within 25 feet of, or suspended above, tidal SAV.
- f. Shell hash shall not be deposited in tidal SAS.
- g. Shall not be located in or within a distance of three times the authorized depth of an FNP.
- h. Shall not be located in or otherwise adversely affect a National Wildlife Refuge.
- i. Shall receive signed approval from harbormaster or appropriate Town Official.

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

**33. Inspections.** The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is eligible for authorization under these GPs, is being, or has been performed in accordance with the terms and conditions of these GPs. The Corps may also require post-construction engineering drawings and/or photographs for completed work or post-dredging survey drawings for any dredging work.

**34. Maintenance.** The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and condition of these permits. This does not include maintenance dredging, related disposal, or beach nourishment projects, which are subject to review thresholds for GP 5 on page 28, unless specified in written authorization from the Corps.

**35. Federal Liability.** In issuing these permits, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;
- d. Design or construction deficiencies associated with the permitted work; or
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

**37. Previously Authorized Activities.**

a. Projects that received prior authorization from the Corps (via Category 1 or 2) and that completed authorized work under the previous nationwide permits, programmatic permits, regional general permits or letters of permission, shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, general conditions, expiration date, and any special conditions provided in a written verification.

b. Activities authorized pursuant to 33 CFR Part 330.3 (“Activities occurring before certain dates”) are not affected by these GPs.

c. Any work not commenced nor completed that was originally authorized by the Corps under the GP in effect between October 13, 2015 and October 13, 2020 remains authorized subject to the terms and general conditions of this GP along with any special conditions included in written authorizations. Exception: if previously authorized work has not commenced and a new federally-listed threatened or endangered species may be affected, the Corps must consult with the USFWS or NMFS prior to re-authorizing the work under these GPs. Requests for re-authorization must include an Official Species List per GC 15.

**38. Transfer of GP Verifications.** If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the GP verification shall be attached to the letter, the letter shall contain the name, address, phone number and email of the transferee (new owner), shall include the following statement and signature, and be mailed to: U.S. Army Corps of Engineers, Maine Project Office, 442 Civic Center Drive, Suite 350, Augusta, Maine 04330:

“When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property.”

\_\_\_\_\_  
Transferee Printed Name

\_\_\_\_\_  
Transferee Signature

\_\_\_\_\_  
Date

**39. Modification, Suspension, and Revocation.** These GPs and any individual authorization issued thereof may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7, and any such action shall not be the basis for any claim for damages against the U.S.

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

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

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

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

**44. Duration of Authorization.**

a. These GPs expire on October 13, 2025 unless otherwise specifically indicated in an individual authorization letter. Activities authorized under these GPs that have either commenced or are under contract to commence in reliance upon this authorization will have an additional year from the expiration date to complete the work. The permittee must be able to document to the Corps' satisfaction that the activity commenced or was under contract to commence by the expiration date of these GPs. If work is not completed within the one year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization, provided the activity meets the applicable terms and conditions of the Maine GPs that are in effect at the time.

b. Activities authorized under these GPs will remain authorized until these GPs expire, 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 completed under the SV or PCN authorizations of these GPs will continue to be authorized after its expiration date.

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Tammy R. Turley  
Chief, Regulatory Division

Date

## V. MAINE GENERAL PERMITS

An activity is authorized under General Permits 1 through 23 listed below only if that activity and the permittee satisfy all of the applicable GP terms and applicable conditions.

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

**USER NOTE:**  
**All Self-Verification and Pre-Construction Notification activities must comply with**  
**all applicable terms (pages 1 - 4) and General Conditions (pages 5 - 19)**

**GENERAL PERMITS FOR THE STATE OF MAINE**

<p><b>A. INLAND WATERS AND WETLANDS</b></p>	<p>Inland Waters and Wetlands are defined as waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds, and wetlands, and <i>excluding Section 10 Navigable Waters of the U.S.</i> The jurisdictional limits are the ordinary high water mark (OHWM) in the absence of adjacent wetlands; beyond the OHWM to the limit of adjacent wetlands when adjacent wetlands are present; and the wetland limit when only wetlands are present. For the purposes of these GPs and designated activities, fill placed in the area between the mean high water (MHW) line and the high tide line (HTL), and in the bordering and contiguous wetlands to tidal waters are reviewed in the Navigable Waters section. (see B. NAVIGABLE WATERS on page 26 below.)</p> <p>Activities not meeting Self-Verification require an application for review as a Pre-Construction Notification and activities not meeting Pre-Construction Notification require an application for review as an Individual Permit.</p>	<p><b>PRE-CONSTRUCTION NOTIFICATION (PCN)</b></p> <p>Replacement of non-serviceable fills, or repair/maintenance of serviceable fill, with expansion &lt;3 acres, or with a change in use.</p>
<p><b>GENERAL PERMIT #</b></p>	<p><b>SELF-VERIFICATION (SV)</b></p> <p>Repair or maintenance of existing, currently serviceable, authorized fills with no expansion or change in use, provided:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• Minor deviations in fill design allowed.</li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> </ul>	<p><b>PRE-CONSTRUCTION NOTIFICATION (PCN)</b></p> <p>Replacement of non-serviceable fills, or repair/maintenance of serviceable fill, with expansion &lt;3 acres, or with a change in use.</p>
<p><b>2. Moorings</b></p>	<p>Not Applicable - moorings in non-navigable inland waters do not require Corps authorization.</p>	<p>Not Applicable</p>
<p><b>3. Structures, Floats, and Lifts</b></p>	<p>Pile-supported structures in non-navigable inland waters do not require Corps authorization.</p> <p>Solid fill or crib-supported structures with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills.</p>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland impacts.</li> </ul>
<p><b>4. Aids to Navigation and Temporary Recreational Structures</b></p>	<p>Not Applicable – these activities located in non-navigable inland waters do not require Corps authorization.</p>	<p>Not Applicable</p>
<p><b>5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation</b></p>	<p>Regulated discharges associated with excavation, and disposal with &lt;15,000 square feet inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>• No stream channelization, relocation, or loss of streambed including impoundments or discharges of tailings into streams.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>
<p><b>6. U.S. Coast Guard Approved Bridges</b></p>	<p>Not Applicable</p>	<p>Not Applicable</p>



**SELF-VERIFICATION (SV)**

**PRE-CONSTRUCTION NOTIFICATION (PCN)**

<p><b>7. Bank and Shoreline Stabilization (GC 26)</b></p>	<p>Bank and shoreline stabilization activities, provided:</p> <ul style="list-style-type: none"> <li>• Fill is ≤500 linear feet in total length as measured below the OHWM.</li> <li>• Fill placed below OHWM is ≤1 cubic yard per linear foot.</li> <li>• In-stream work is limited to Jul. 15<sup>th</sup> to Sep. 30<sup>th</sup></li> <li>• No in-stream work involving excavation or fill in flowing waters.</li> <li>• No structures angled steeper than 1H:1V.</li> <li>• Only angular stone or fiber roll revetments are used.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>
<p><b>8. Residential, Commercial and Institutional Developments, and Recreational Facilities</b></p>	<p>Development with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills. Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Provided:</p> <ul style="list-style-type: none"> <li>• The historic fill and proposed fill area &lt;15,000 square feet specifically complies with GC 5 Single and Complete Projects.</li> <li>• No work in special aquatic sites other than wetlands.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> <li>• <i>Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance &gt; 3 acres as a secondary impact may still be eligible for Pre-Construction Notification at the discretion of the Corps.</i></li> </ul>
<p><b>9. Utility Line Activities (GC 28)</b></p>	<p>Utility activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>• There is no permanent change in pre-construction contours in waters in the U.S.</li> <li>• Material resulting from trench excavation is temporarily side cast into waters of the U.S. for &lt;3 months and is placed in such a manner that is not dispersed by current or other forces.</li> <li>• The line does not run parallel to, or along a streambed</li> <li>• No stream channelization, relocation, or loss of streambed including impoundments.</li> <li>• There is no discharge in special aquatic sites other than wetlands.</li> <li>• Construction mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one single growing season.</li> <li>• In-stream work is limited to Jul. 15<sup>th</sup> to Sep. 30<sup>th</sup></li> <li>• No in-stream work involving excavation or fill in flowing waters.</li> <li>• Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> <li>• <i>Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance &gt; 3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.</i></li> </ul>

SELF-VERIFICATION (SV)

PRE-CONSTRUCTION NOTIFICATION (PCN)

<p>10. Linear Transportation Projects (for stream crossings refer to GP 22)</p>	<p>Linear transportation activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>The historic fill and proposed fill area &lt;15,000 square feet specifically complies with GC 5 Single and Complete Projects.</li> <li>No work in special aquatic sites other than wetlands.</li> <li>Construction mats of any area necessary to conduct activities provided mats are removed as soon as work is completed and shall be in place no longer than one single growing season.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>&lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> <li>Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.</li> </ul>
<p>11. Mining Activities</p>	<p>Mining activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>No stream channelization, relocation, or loss of streambed including impoundments.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>&lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>
<p>12. Boat Ramps</p>	<p>Boat ramps with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills.</p>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>&lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>
<p>13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects</p>	<p>Activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>No stream channelization, relocation, or loss of streambed including impoundments.</li> <li>No new water-based facilities are eligible.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>&lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> <li>Mechanical clearing of areas within Corps jurisdiction without grubbing or other soil disturbance &gt;3 acres as a secondary impact may still be eligible for PCN at the discretion of the Corps.</li> </ul>
<p>14. Reshaping Existing Ditches and Mosquito Management</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>15. Response Operations for Oil or Hazardous Substances</p>	<p>Specific activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This GP also authorizes activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This GP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. <i>Note: SV/NF or a surrogate state reporting form may be submitted after the fact.</i></p>	<p>Work not eligible for SV</p>

**SELF-VERIFICATION (SV)**

**PRE-CONSTRUCTION NOTIFICATION (PCN)**

<p><b>16. Cleanup of Hazardous and Toxic Waste</b></p>	<p>Cleanup activities to effect the containment, stabilization, or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements, which are performed, ordered or sponsored by a government agency with established legal or regulatory authority. Provided:</p> <ul style="list-style-type: none"> <li>• &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills.</li> <li>• No stream channelization, relocation, or loss of streambed including impoundments.</li> <li>• The project does not involve establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.</li> </ul>	<p>Work not eligible for SV</p>
<p><b>17. Scientific Measurements Devices</b></p>	<p>Devices whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures subject to Corps jurisdiction with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills. This excludes any biological sampling devices. Devices shall not restrict or concentrate movement of aquatic organisms.</p>	<p>Work not eligible for SV</p>
<p><b>18. Survey Activities</b></p>	<p>Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, and historic resources surveys (but not recovery) subject to Corps jurisdiction with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills. Exploratory trenches must be restored in accordance with GC 43. The construction of temporary pads is authorized provided the discharge doesn't exceed 25 CY. This doesn't authorize permanent structures or the drilling and the discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized).</p>	<p>Work not eligible for SV</p>
<p><b>19. Agricultural Activities</b></p>	<p>Agricultural activities subject to Corps jurisdiction with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>• No stream channelization, relocation, or loss of streambed including impoundments.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>
<p><b>20. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities</b></p>	<p>Not Applicable</p>	<p>Not Applicable</p>

SELF-VERIFICATION (SV)

PRE-CONSTRUCTION NOTIFICATION (PCN)

<p><b>21. Habitat Restoration, Establishment, and Enhancement</b></p>	<p>Activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>• No water impoundments allowed.</li> <li>• No conversion of a stream to wetland or vice versa, a wetland to a pond or uplands, or one wetland type to another.</li> <li>• No dam removal.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• Aquatic habitat restoration, establishment, and enhancement of wetlands and riparian areas and the restoration and enhancement of streams and other open waters with impacts of any area <math>\geq 15,000</math> square feet, provided those activities result in a net increase in overall aquatic resource functions and services.</li> </ul>
<p><b>22. Stream and Wetland Crossings (GC 27)</b></p>	<p>Stream work and crossings, provided:</p> <ul style="list-style-type: none"> <li>• Crossings shall be designed and constructed using the techniques and principles outlined in Stream Simulation, Stream Smart, or Habitat Connectivity Design.</li> <li>• Crossings shall be designed to be 1.2 times bankfull width.</li> <li>• Crossings shall have a natural bottom substrate.</li> <li>• Crossings shall include a bank on both sides of the channel.</li> <li>• Closed bottom culverts shall be embedded at least 25 percent of the maximum width of the culvert.</li> <li>• In-stream work is limited to Jul. 15<sup>th</sup> to Sep. 30<sup>th</sup></li> <li>• No in-stream work involving excavation or fill in flowing waters.</li> <li>• No slip lining.</li> <li>• No culvert extensions.</li> <li>• No stream channelization, relocation, or loss of streambed including impoundments.</li> </ul> <p>Wetland crossings, provided:</p> <ul style="list-style-type: none"> <li>• No flooding or impacts to wetland drainage from the upgradient side of the crossing.</li> </ul>	<p>Work not eligible for SV</p>
<p><b>23. Aquaculture</b></p>	<p>Activities with &lt;15,000 square feet of inland waterway and/or wetland fill, associated secondary impacts, and temporary fills, provided:</p> <ul style="list-style-type: none"> <li>• No water impoundments allowed.</li> <li>• No conversion of i) a stream to wetland or vice versa, a wetland to a pond or uplands, and ii) one wetland type to another.</li> </ul>	<p>Work not eligible for SV, provided:</p> <ul style="list-style-type: none"> <li>• &lt;3 acres inland waterway and/or wetland fill, and associated secondary impacts.</li> </ul>

**USER NOTE:**  
**All Self-Verification and Pre-Construction Notification activities must comply with**  
**all applicable terms (pages 1 - 4) and General Conditions (pages 5 - 19)**

<p><b>B. NAVIGABLE WATERS</b></p>	<p>Navigable Waters of the U.S. are defined as those waters that are subject to the ebb and flow of the tide in addition to the non-tidal portions of the following federally-designated waters in Maine (the Kennebec River to Moosehead Lake, the Penobscot River to the confluence of the East and West Branch at Medway and, Lake Umbagog within the State of Maine) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water mark (OHWM) in non-tidal portions of the federally-designated navigable rivers. For the purposes of these GPs, fill placed in the area between the mean high water (MHW) line and the high tide line (HTL), and in the bordering and contiguous wetlands to tidal waters are also reviewed in this Navigable Waters section.</p> <p>Activities not meeting Self-Verification require an application for review as a Pre-Construction Notification and activities not meeting Pre-Construction Notification require an application for review as an Individual Permit.</p>
<p><b>GENERAL PERMIT #</b></p>	<p align="center"><b>SELF-VERIFICATION</b></p>
<p><b>1. Repair, Replacement and Maintenance of Authorized Structures and Fills</b></p>	<p align="center"><b>PRE-CONSTRUCTION NOTIFICATION</b></p> <p>Repair or maintenance of previously authorized, currently serviceable structures or fills, provided:</p> <ul style="list-style-type: none"> <li>• All intertidal work shall be conducted in-the-dry.</li> <li>• Conditions of the original authorization apply.</li> <li>• No substantial expansion or change in use.</li> <li>• No new fill in SAS including SAV.</li> <li>• Must be rebuilt in same footprint, however minor deviations in structure design allowed.</li> <li>• The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.</li> </ul> <p>Replacement of non-serviceable structures or fills or repair/maintenance of serviceable structures or fills, with fill, replacement or expansion &lt;1 acre, or with a change in use.</p> <p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts. Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul> <p><i>*See GC 24 for pile driving and removal.</i></p>
<p><b>2. Moorings</b></p>	<p>Private, non-commercial, non-rental, single-boat moorings, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not associated with any boating facility (e.g. marinas).</li> <li>• Not located within a Federal Navigational Project (other than in a Federal Anchorage) or within a distance of three times the authorized depth of a Federal Navigation Project. Moorings in a Federal Anchorage not associated with a boating facility and are not for rent.</li> <li>• No interference with navigation.</li> <li>• No new moorings located in SAV.</li> </ul> <p>Minor relocation of previously authorized moorings, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not located in SAV.</li> <li>• No interference with navigation.</li> <li>• Relocation is not into a Federal Navigation Project.</li> </ul> <p><i>*SV Moorings above do not require a SVNF.</i></p> <p>Moorings that don't meet the terms of SV and don't require an Individual Permit. This includes private moorings with no harbormaster or means of local approval.</p> <p>For moorings that appear to impact SAS including SAV, the Corps may require an on-site survey.</p> <p>Moorings located such that they, and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits of a Federal Channel. The buffer zone is equal to 3 times the authorized depth of that channel.</p> <p>An IP is required for moorings located within the horizontal limits, or with moored vessels that extend into the horizontal limits of a Federal Navigation Project (other than in a Federal Anchorage).</p>
<p><i>Cont'd below on page 27</i></p>	

SELF-VERIFICATION (SV)

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<p>2. Moorings Cont'd from page 26</p>	<p>Conversion of a private, non-commercial, non-rental, single-boat mooring to a commercial, rental, single-point mooring (SVNF is required).</p> <p>Reconfiguration of existing authorized structures with all work below the HTL conducted in-the-dry.</p> <p>Minor relocation of <u>previously authorized</u> floats or moored floats, provided:</p> <ul style="list-style-type: none"> <li>• Authorized by the local harbormaster/town.</li> <li>• Not located in SAS including SAV.</li> <li>• No interference with navigation.</li> <li>• Relocation is not into a Federal Navigation Project other than a Federal Anchorage.</li> </ul> <p>New private, non-commercial ramp and float structures attached to land or moored floats provided:</p> <ul style="list-style-type: none"> <li>• No more than minimal soil disturbance.</li> <li>• Not located in or within 25 feet of SAV.</li> <li>• Lowermost part of floats are elevated a minimum of 18 inches above the substrate during all tides.</li> <li>• Ramp is <math>\geq 1:1</math> height:width ratio over salt marsh.</li> <li>• The Corps may require a letter of no objection from the abutter if structures will be sited within 25 feet of the property line.</li> <li>• No structure extends across <math>&gt;25\%</math> of the waterway width at mean low water.</li> <li>• Not located within a distance of three times the authorized depth of a Corps Federal Navigation Project.</li> </ul> <p><i>*Note: floats may include lobster cars, work floats, moored floats, swim floats, and shellfish upweller floats.</i></p>	<p>New structures or floats, including floatways/skidways, built to access waterway (both seasonal and permanent). Includes pile supported, solid fill supported, and crib supported structures.</p> <p>Expansions to existing authorized boating facilities (e.g. marinas).</p> <p><u>*See GC 24 for pile driving and removal.</u></p> <p>Compliance with the following design standards is recommended:</p> <ul style="list-style-type: none"> <li>• Lowermost part of floats are a minimum of 18 inches above the substrate during all tides.</li> <li>• Structures are <math>\geq 1:1</math> height:width ratio over salt marsh.</li> <li>• Structures and floats are not located in or within 25 feet of SAV.</li> <li>• Moored vessels are not positioned over SAV.</li> <li>• The Corps may require a letter of no objection from the abutter if structure is to be within 25 feet of the property line.</li> <li>• No structure extends across <math>&gt;25\%</math> of the waterway width at mean low water.</li> <li>• Not located within a distance of three times the authorized depth of a Corps Federal Navigation Project.</li> </ul> <p>An IP is required for structures or floats, including floatways/skidways, located in such that they and/or vessels docked or moored at them are within the horizontal limits of a Corps Federal Navigation Project. An IP is also required for structures and floats associated with a new or previously unauthorized boating facility (e.g. marinas).</p> <p>Work not eligible for SV</p>
<p>4. Aids to Navigation and Temporary Recreational Structures</p>	<p>Temporary buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after the specific event has concluded.</p> <p>No interference with navigation.</p> <p>The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard. (See 33 CFR 66, Chapter I, subchapter C).</p> <p><i>*SV Aids to Navigation and Regulatory Markers do not require a SVNF.</i></p>	

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<p><b>5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation</b></p>	<p>Maintenance dredging for navigational purposes &lt;1,000 cubic yards with upland disposal. Includes return water from upland contained disposal area, provided:</p> <ul style="list-style-type: none"> <li>• Proper siltation controls are used.</li> <li>• Dredging &amp; disposal operation limited to Nov. 8<sup>th</sup> to Apr. 9<sup>th</sup>.</li> <li>• No impact to SAS including SAV.</li> <li>• No dredging in intertidal areas.</li> <li>• No dredging within 100 feet of shellfish beds.</li> <li>• No dredging in designated or proposed critical habitat for endangered species.</li> <li>• No effect to federally-protected species (see GC 15).</li> <li>• No underwater blasting.</li> </ul> <p>Maintenance dredging is not eligible for SV if conducted in tidal portions of the Penobscot River upstream of a line extending from Turner Point in Castine to Moose Point on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling Point in Arrowsic to Hospital Point in West Bath in order to minimize potential effects to federally-listed sturgeon species and their critical habitat.</p>	<p>Maintenance dredging <math>\geq 1,000</math> cubic yards, new dredging &lt;25,000 cubic yards, or projects not meeting SV. Includes return water from upland contained disposal areas. Disposal includes:</p> <ul style="list-style-type: none"> <li>• Upland.</li> <li>• Beach nourishment (above MHW line) of any area provided the dredging's primary purpose is navigation or the sand is from an upland source.</li> <li>• Open water &amp; confined aquatic disposal if Corps finds the material suitable.</li> </ul> <p>Beach nourishment associated with dredging when the primary purpose is not navigation requires at least a PCN.</p> <p>Maintenance or new dredging and/or disposal in or affecting SAS requires an IP.</p>
<p><b>6. U.S. Coast Guard Approved Bridges</b></p>	<p>Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard authorizes such discharges as part of the bridge permit or appropriate approval.</p> <p>No permanent impact to SAS including SAV.</p> <p>Causeways and approach fills are not included in this category and require PCN or IP authorization.</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p><b>7. Bank and Shoreline Stabilization (GC 27)</b></p>	<p>Bank and shoreline stabilization work activities, provided:</p> <ul style="list-style-type: none"> <li>• Fill is <math>\leq 500</math> linear feet in total length as measured below the HTL.</li> <li>• Fill placed below HTL is <math>\leq 1</math> cubic yard per linear foot.</li> <li>• No structures angled steeper than 1H:1V and only angular stone or fiber roll revetment are used.</li> <li>• No fill or equipment will occur in SAS including SAV.</li> <li>• No driving of piles or sheeting.</li> </ul>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>

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<p>8. Residential, Commercial and Institutional Developments, and Recreational Facilities</p>	<p>Not Eligible</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul> <p>Conversions of previously authorized pile-supported buildings over navigable waters to residences, offices, or other non-water dependent uses require PCN.</p>
<p>9. Utility Line Activities (GC 29)</p>	<p>Repair or maintenance of previously authorized, currently serviceable utilities with no expansion or change in use, provided:</p> <ul style="list-style-type: none"> <li>• Conditions of the original authorization apply.</li> <li>• Trenching or filling is confined to the existing footprint.</li> <li>• In-water work conducted from Nov. 8<sup>th</sup> to Apr. 9<sup>th</sup>.</li> <li>• No new impact to SAS including SAV.</li> </ul> <p>New work in, over, or under navigable waters requires PCN.</p> <p>Except for aerial utility lines, work is not eligible for Self-Verification if conducted in tidal portions of the Penobscot River upstream of a line extending from Turner Point in Castine to Moose Point on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling Point in Arrowsic to Hospital Point in West Bath.</p>	<p>Floating house boats or businesses on floats require PCN.</p> <p>New or replacement installations or work not otherwise eligible for SV.</p> <p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p>10. Linear Transportation Projects (for stream crossings refer to GP 22)</p>	<p>Not Eligible</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p>11. Mining Activities 12. Boat Ramps and Marine Railways</p>	<p>Not Eligible</p> <p>No new impact to SAS including SAV.</p> <p>No new boat ramps or marine railways.</p> <p>Marine railway and boat ramp work not eligible for maintenance (i.e. not currently serviceable) may be replaced "in-kind" with minor deviations provided:</p> <ul style="list-style-type: none"> <li>• Work confined to intertidal zone.</li> <li>• No fill expansion below the HTL.</li> <li>• Intertidal work is conducted in-the-dry.</li> </ul>	<p>Not Eligible</p> <p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>



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<p>13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects</p>	<p>Not Eligible</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul> <p>No new impoundments.</p>
<p>14. Reshaping Existing Ditches and Mosquito Management</p>	<p>≤500 linear feet of drainage ditch will be modified. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the U.S.).</p> <p>No new ditches or relocation of drainage ditches constructed in waters of the U.S.; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch.</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p>15. Response Operations for Oil or Hazardous Substances</p>	<p>Specific activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This GP also authorizes activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This GP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. <i>Note: SYNFF or a surrogate state reporting form may be submitted after the fact.</i></p>	<p>Work not eligible for SV</p>
<p>16. Cleanup of Hazardous and Toxic Waste</p>	<p>Only booms placed for hazardous and toxic waste containment and absorption and prevention are eligible for SV. <i>Note: A SYNFF is not required for these eligible containment booms.</i></p>	<p>Specific jurisdictional activities with impacts of any area required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Wetlands and other SAS must typically be restored in place at the same elevation to qualify.</p>

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<p>17. Scientific Measurements Devices</p>	<p>Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. Structures may not restrict or concentrate movement of aquatic organisms; no activity results in a hazard to navigation; and no activity requiring underwater blasting.</p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p>18. Survey Activities</p>	<p>Jurisdictional survey activities such as exploratory drilling, surveying and sampling activities, excluding any biological sampling devices. Does not include any activity requiring underwater blasting, seismic exploratory operations, or oil and gas exploration and fill for roads or construction pads. No activity may result in a hazard to navigation. <i>Note: A SVNF is not required for required sediment sampling for Corps-regulated dredge proposals.</i></p>	<p>&lt;1 acre temporary or permanent fill, excavation and/or secondary impacts, provided:</p> <ul style="list-style-type: none"> <li>• Temporary or permanent fill in SAV &lt;1,000 square feet.</li> <li>• Permanent fill in SAS (excluding SAV) &lt;4,300 square feet.</li> </ul>
<p>19. Agricultural Activities</p>	<p>Not Eligible</p>	<p>Not Eligible</p>
<p>20. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities</p>	<p>Fish and wildlife harvesting, enhancement, and attraction devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, and clam and oyster digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). A SVNF is not required for these eligible devices and activities.</p> <p>This does not authorize artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.</p> <p>No activity may result in a hazard to navigation.</p>	<p>For Aquaculture operations, refer to GP 23.</p> <p>Impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster and new fish weirs with an impounded area &lt;1/2 acre.</p>
<p>21. Habitat Restoration, Establishment, and Enhancement</p>	<p>Culch placement in tidal waters is eligible for SV provided there are no salt marsh or vegetated shallow impacts.</p> <p>SAS planting and transplanting &lt;100 square feet in tidal waters;</p> <p>No artificial or living reefs.</p> <p>The activity is authorized in writing by a local, state, or non-Corps federal environmental agency. Water impoundments require PCN.</p> <p>No conversion of i) a stream to wetland or vice versa, wetland to a pond or uplands, and ii) one wetland type to another.</p> <p>No dam removal.</p> <p>Shellfish habitat enhancement such as "brushing", clam pots, boxes, netting.</p>	<p>Aquatic habitat restoration, establishment and enhancement provided those activities are proactive and result in net increases in aquatic resource functions and services.</p>
<p>22. Stream and Wetland Crossings (GC 28)</p>	<p>Not Eligible.</p>	<p>All temporary or permanent crossings of tidal navigable waters or adjacent tidal wetlands not eligible as maintenance require PCN.</p>

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23. Aquaculture\*  
(GC 31)

Installations that do not exceed 400SF in area, provided:

- Do not include enclosures or impoundments.
- Is limited to shellfish and/or marine algae.
- Do not permanently impact tidal SAS, intertidal areas, natural rocky habitats, or areas containing shellfish.
- No structures, cages, gear, or shell hash located within 25 feet of, or suspended above, SAV.
- No shell hash deposited in SAS.
- Not located in or within a distance of three times the authorized depth of an FNP.
- Not located in or otherwise adversely affect a National Wildlife Refuge.
- Receives signed approval from Harbormaster or appropriate Town Official.

Shellfish, finfish, and marine algae aquaculture (with the exception of Atlantic salmon and any other salmonid, or other federally-listed endangered or threatened species), or other aquaculture facilities with no more than minimal individual and cumulative impacts to environmental resources or navigation. This is inclusive but not limited to cages, nets, bags, racks, long lines, fences, posts, poles, predator screening, etc.

\*State of Maine Aquaculture guidelines are provided at:  
[www.maine.gov/dmr/aquaculture/index.htm](http://www.maine.gov/dmr/aquaculture/index.htm)



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

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

At least two weeks before work commences, complete **all** fields (write "none" if applicable) below or use the fillable form found at [www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits](http://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits). The two-week lead time is not required for emergency situations. **Send this form, Official Species List and project plans to the address noted below.** Please call (207) 623-8367 for an email address to submit electronically (preferred).

Maine Project Office  
U.S. Army Corps of Engineers  
442 Civic Center Drive, Suite 350  
Augusta, Maine 04330

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

Permittee: \_\_\_\_\_  
Address, City, State, Zip: \_\_\_\_\_  
Email, Phone: \_\_\_\_\_

Agent: \_\_\_\_\_  
Address, City, State, Zip: \_\_\_\_\_  
Email, Phone: \_\_\_\_\_

Contractor: \_\_\_\_\_  
Address, City, State, Zip: \_\_\_\_\_  
Email, Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_  
Address, City, State, Zip: \_\_\_\_\_  
Lat °N, Long °W: \_\_\_\_\_ Tax Map/Lot: \_\_\_\_\_

Waterway Name: \_\_\_\_\_  
Description of Work: \_\_\_\_\_

Prior Corp Permit #: \_\_\_\_\_  
Proposed Starting Date: \_\_\_\_\_ Proposed Finish Date: \_\_\_\_\_

Area of wetland impact (s.f.): Permanent: \_\_\_\_\_ Temporary: \_\_\_\_\_  
Area of waterway impact (s.f.): Permanent: \_\_\_\_\_ Temporary: \_\_\_\_\_

Work will be done under the following Section V General Permits (circle all that apply):  
I. Inland Waters and wetlands: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23  
II. Navigable Waters: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Your name/signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions for Self-Verification under the Maine General Permit.

Permittee Printed Name: \_\_\_\_\_  
Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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

## **Section VII: Content of a Pre-Construction Notification**

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

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

- DIGITAL SUBMISSIONS ARE ENCOURAGED
- Completed Corps application form (ENG Form 4345 attached below or found electronically at [www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit](http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit)) or appropriate state application form. Forms may need to be supplemented to include the information noted below.
- Proof of notification to MHPC and the appropriate THPOs (see Section VIII for contact info).
- Official Species List for any federally-listed endangered or threatened species and email address of the person who generated the list.
- Drawings, sketches, or plans (detailed engineering plans and specifications are not required) that are legible, reproducible (color is encouraged, but features must be distinguishable in black and white), no larger than 11"x17", with bar scale. Wetland area impact sheets shall have the highest resolution possible to show work within Corps jurisdiction (do not just reduce project overview or cut large-scale plan into quadrant sheets). Provide locus map and a plan overview of the entire property with a key index to the individual impact sheets. A locus map be on a section of color USGS topographic map.
- Include:
  - All direct, secondary, permanent and temporary effects the project would cause, including the anticipated amount of impacts to waters of the U.S. expected to result from the activity, in acres, linear feet, or other appropriate unit of measure.
  - Any historic permanent fill associated with each single and complete project.
  - Cross-section views of all wetland and waterway fill areas and wetland replication areas.
  - Delineation of all special aquatic sites (wetlands, vegetated shallows, saltmarsh, mudflats, riffle and pool complexes, coral reefs, and sanctuaries and refuges); other waters, such as **lakes and ponds, and perennial, intermittent, and ephemeral streams; and natural rocky habitats on the project site**. Use federal delineation methods and include Corps wetland delineation data sheets (see GC 2).
  - MLW line, MHW line, and HTL elevations in tidal waters. Show OHWM elevation in lakes and non-tidal streams.
  - Show all known VPs on the project site.
  - Existing and proposed conditions.**
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below OHW in inland waters and below the HTL in coastal waters.
- The name(s) of federal "listed species or habitat" present in the action area (see GC 8).
- A restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions (see GC 43).

**Information that may be required:**

- Photographs of wetland/waterway to be impacted. Photos at low tide are preferred for work in tidal waters.
- For drawings, sketches, or plans:
  - The vertical datum for all coastal projects and projects in towns bordering coastal waters shall be in U.S. survey feet and referenced to MLLW and include current tidal epoch, with a reference chart showing conversion factor to the North American Vertical Datum of 1988. Do not use local datum. See [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Forms and Publications >>Vertical Datum - FEMA (Jul 2007);
  - The horizontal state plane coordinates shall be shown on plan and elevation views and shall be in the North American Datum of 1983 (NAD83) State Plane Coordinate System in U.S. survey feet.
- For the construction of a filled area or pile or float-supported platform, the use of, and specific structures to be erected on, the fill or platform.
- For the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposing of it in ocean waters, the source of the material; the purpose of the discharge, a description of the type, composition and quantity of the material; the method of transportation and disposal of the material; and the location of the disposal site.
- For the discharge of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized. Include either a statement describing how impacts to waters of the U.S. are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.
- Purpose and need for the proposed activity;
- Limits and coordinates of any Federal Navigation Project in the vicinity of the project area.
- Limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide coordinates for all corners;
- Schedule of construction/activity;
- Names and addresses of adjoining property owners;
- Location and dimensions of adjacent structures;
- Alternatives analysis;
- List of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.
- Identification and description of potential impacts to Essential Fish Habitat (see GC 16).
- Identification of potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area (see GC 19).
- Invasive Species Control Plan (see GC 24). For sample control plans, see [www.nae.usace.army.mil/missions/regulatory](http://www.nae.usace.army.mil/missions/regulatory) >> Invasive Species.
- Wildlife Action Plan (WAP) maps. Contact Maine Inland Fisheries & Wildlife (Section VIII) or online at [http://www.maine.gov/ifw/wildlife/conservation/action\\_plan.html](http://www.maine.gov/ifw/wildlife/conservation/action_plan.html)

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

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

- Identification and description of any potential impacts to Essential Fish Habitat.
- Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

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

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

DRAFT

**U.S. Army Corps of Engineers (USACE)**  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**

33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -*  
**OMB No. 0710-0003**  
**Expires: 02-28-2022**

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME First -                      Middle -                      Last - Company - E-mail Address -			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First -                      Middle -                      Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -			9. AGENT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -		
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence              b. Business              c. Fax			10. AGENTS PHONE NOs. w/AREA CODE a. Residence              b. Business              c. Fax		

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address
15. LOCATION OF PROJECT Latitude: °N                      Longitude: °W	City -                      State-                      Zip-
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID                      Municipality Section -                      Township -                      Range -	



17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

## Section VIII: Agency Contacts

### 1. Federal

U.S. Army Corps of Engineers  
Maine Project Office  
442 Civic Center Drive, Suite 350  
Augusta, ME 04330  
(207) 623-8367; (207) 623-8206 (fax)

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

U.S. Fish and Wildlife Service  
Maine Field Office  
P.O. Box A  
East Orland, ME 04431  
(207) 469-7300; (207) 902-1588 (fax)  
*(Federal endangered species)*

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

Federal Emergency Management Agency  
99 High Street  
Boston, MA 02110  
(877) 336-2734  
*(Floodplain Management)*

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

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

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

### 2. State of Maine

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

Augusta Regional Office  
17 State House Station  
Augusta, Maine 04333  
(207) 287-7688

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

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

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

b. Department of Agriculture, Conservation and Forestry

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

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

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

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

Downeast Regional Office  
106 Hogan Rd, Suite 7  
BMHI Complex  
Bangor, Maine 04401  
(207) 941-4052; (207) 941-4222 (fax)

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

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

ii. Maine Coastal Program

21 State House Station  
Augusta, Maine 04333  
(207) 287-2801; (207) 287-2353 (fax)  
(*CZM consistency determinations*)

iii. Division of Parks and Public Lands

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

c. Department of Marine Resources

21 State House Station  
Augusta, Maine 04333  
(207) 633-9500; (207) 624-6024 (fax)  
(*aquaculture leases*)

### 3. Historic Properties

#### a. State Historic Preservation Officer (SHPO)

Kirk F. Mohney, Director  
Maine Historic Preservation Commission  
65 State House Station  
Augusta, Maine 04333-0065  
(207) 287-2132; (207) 287-2335 (fax)

#### b. Tribal Historic Preservation Officers (THPOs)

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

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

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

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

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

## Section IX: Definitions

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

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

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

**Aquatic Habitat Restoration, Establishment and Enhancement:** The Corps will decide if a project qualifies and must determine in consultation with federal and state agencies that the net effects are beneficial. The Corps may refer to Nationwide Permit 27 published in the January 6, 2017 Federal Register. Activities authorized here may include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands in inland waters; the construction of open water areas; the construction of native shellfish species habitat over unvegetated bottom for the purpose of habitat protection or restoration in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species shall be planted at the site.

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

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

**Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (mean high water mark in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary high water mark and above the normal hydrologic influence of their adjacent waterbody.

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

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

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

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

**Currently Serviceable:** Useable as-is or with some maintenance, but not so degraded as to essential require reconstruction.

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

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

Secondary Effects: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary

effects on aquatic ecosystems shall be considered prior to the time final Section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) aquatic areas drained, flooded, fragmented, or mechanically cleared, b) fluctuating water levels in all impoundment and downstream associated with the operation of a dam, c) septic tank leaching and surface runoff from residential or commercial developments on fill, and d) leachate and runoff from a sanitary landfill located in waters of the U.S. See 40 CFR 230.11(h).

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

**Dredging:**

**Maintenance Dredging:** Includes areas and depths previously authorized by the Corps and dredged.

The Corps may require proof of authorization. Maintenance dredging typically refers to the routine removal of accumulated sediment from channel beds to maintain the design depths of navigation channels, harbors, marinas, boat launches and port facilities. Routine maintenance dredging is conducted regularly for navigational purposes (typically at least once every ten years) and does not include any expansion of the previously dredged area or depth. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc. The main characteristics of maintenance dredging projects are variable quantities of material; soft, uncompacted soil; contaminant content possible; thin layers of material; occurring in navigation channels and harbors; repetitive activity

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

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

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

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

**Fill area:** Fill area includes all temporary and permanent fill (including mats), and regulated discharges associated with excavation.

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

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

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

**Habitat Connectivity Design:** projects designed and constructed for consistency with natural stream dimensions, profiles, and dynamics, in accordance with the following technical references: U.S. Forest Service guide (Forest Service Stream-Simulation Working Group 2008), augmented by documents published by the states of Washington (Barnard et al. 2013), Vermont (Bates and Kim 2009) and California (Love and Bates 2009).

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

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

**Living Shoreline:** Living shorelines stabilize banks and shores in coastal waters along shores with small fetch and gentle slopes that are subject to low-to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines shall maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures.

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

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

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

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

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

**Overall project:** See “single and complete linear project” below.

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

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

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

**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 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

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

**Riffle and pool complexes:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

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

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.



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

**Single and complete non-linear project:** For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For non-linear projects, the single and complete project must have independent utility (see definition).

**Special aquatic sites (SAS):** These are defined at 40 CFR 230 Subpart E. They include sanctuaries and refuges, wetlands, mud flats, vegetated shallows (submerged aquatic vegetation, SAV), coral reefs, and riffle and pool complexes.

**Stream:** The term “stream” in the document means rivers, streams, brooks, etc.

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

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

**Stream Simulation:** A method for designing and building road-stream crossings intended to permit free and unrestricted movements of any aquatic species. Reference:

<https://www.nae.usace.army.mil/Missions/Regulatory/Stream-and-River-Continuity/>

**Stream Smart Design:** projects designed to allow the stream to act like a stream by passing fish and wildlife as well as the higher flows that come with large infrequent storms while protecting the stability of the road and public safety. Stream Smart Design follows the “Four S’s”: The culvert must SPAN the stream, allowing for passage of aquatic and terrestrial wildlife. The culvert has to be SET at the right elevation. The SLOPE of the culvert must match the stream. There must be SUBSTRATE (natural sediment) in the crossing. Reference:

[https://www1.maine.gov/mdot/publications/docs/brochures/pocket\\_guide\\_stream\\_smart\\_web.pdf](https://www1.maine.gov/mdot/publications/docs/brochures/pocket_guide_stream_smart_web.pdf)

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

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

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

**Vegetated shallows/Submerged Aquatic Vegetation (SAV):** Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as eelgrass in marine systems as well as a number of freshwater species in rivers and lakes. Note: Eelgrass surveys should be conducted between May and October unless otherwise directed.

**Vernal pools (VPs):** For the purposes of these GPs, VPs are depression wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). In most years, VPs support one or more of the following obligate indicator species: wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.). However, they should preclude sustainable populations of predatory fish.

**Water dependency:** activity requiring access or proximity to or siting within a special aquatic site (SAS) to fulfill its basic project purpose.

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

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

**Waters of the U.S.**

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

**Navigable waters:** Refer to 33 CFR 329. These waters include the following federally-designated navigable waters in New England. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list shall not be taken as an indication that the waterbody is not navigable: In Maine, navigable waters are those waters that are subject to the ebb and flow of the tide in addition to the non-tidal portions of the following federally-designated waters in Maine (the Kennebec River to Moosehead Lake, the Penobscot River to the confluence of the East and West Branch at Medway and, Lake Umbagog within the State of Maine).

**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 HTL (i.e., spring HTL).

**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 HTL.