NAVFAC HIGH PERFORMANCE AND SUSTAINABLE BUILDING CHECKLIST -- GOALS

PROJECT INFORMATION

Work Order No.: N4008518D110(FY 2022 MILCON P No. / Customer Reference No.:
Project Title: NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
Location UIC/Name: NAVAL STATION NEWPORT, NEWPORT, RHODE ISLAND
NAVFAC Project Manager: CATHY MCENTIRE Project Design Level: FINAL
Facility Area: U/M: Category Code: Facility #:
AE Contract # & T.O. AE Firm Sustainability Coordinator: Robbie Crawford
AE Firm Name: MOFFATT NICHOL & BURNS AND MCDONNELL JOINT VENTURE
Project Phase: ☑ Design Start / PDA ☐ Solicitation Documents Complete
Construction Contract Award Date (P): BOD (P):

SUSTAINABILITY DATA - GUIDING PRINCIPLES for SUSTAINABLE DEVELOPMENT

Use this form to collect Design Goals information to be recorded on the Sustainable and Energy Tab in eProjects

NOTE: 1. Mark "N/A" only when at least one of the listed justifications is applicable, and mark those justifications. Otherwise, mark "Yes."
2. If project is for more than one building for which tracking is required, complete a separate form for each building.

PRELIMINARY PROJECT INFORMATION

1 How many buildings are included in this project? 1

2 Does at least one building meet one of the following: 1) new construction (new building **or** addition to existing);
- OR - 2) Renovation in an existing building, with construction cost greater than $3M? ☑ Yes ☐ No

3 Identify the building to be tracked in this tab: Admin/Wareho

DESIGN DEVELOPMENT - DOCUMENTATION OF COMPLIANCE WITH GUIDING PRINCIPLES

I. Employ Integrated Design Principles

1 Integrated Design Goals — In Compliance ☑ Yes ☐ N/A

N/A due to
☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

2 Commissioning Goals — In Compliance ☑ Yes ☐ N/A

N/A due to
☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

(i) Systems commissioned: HVAC & Refrigeration Systems, Lighting Systems, Domestic Hot Water Sy

II. Optimize Energy Performance

3. Energy Efficiency Goals — In Compliance ☑ Yes ☐ N/A

N/A due to
☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

(i) Energy Savings Below Baseline %: 35.00

(ii) Energy Standard

- [ ] ASHRAE 90.1-2004 (03JAN07-09AUG12)
- [ ] ASHRAE 90.1-2007 (10AUG12-08JUL14)
- [ ] ASHRAE 90.1-2010 (09JUL14-05NOV16)
- [x] ASHRAE 90.1-2013 (06NOV16+)
- [ ] IECC
- [ ] OTHER:

C. Energy Efficient Products

Goals In Compliance [x] Yes [ ] N/A

N/A due to

- [ ] Mission preclusion
- [ ] Not LCCE
- [ ] Installation/region issue
- [ ] Building/site issue
- [ ] Renovation only: not part of scope

4. Renewable Energy

Goals In Compliance [ ] Yes [x] N/A

N/A due to

- [ ] Mission preclusion
- [x] Not LCCE
- [ ] Installation/region issue
- [ ] Building/site issue
- [ ] Renovation only: not part of scope

A. Renewable energy technology types

- [ ] Geothermal
- [ ] Ground Source Heat Pumps
- [ ] Solar Photovoltaic
- [ ] Solar Thermal - domestic hot water
- [ ] Solar Thermal - space conditioning
- [ ] Daylighting (quantified passive)
- [ ] Mechanical (i.e., direct water pumping)
- [ ] Micro-hydro
- [ ] Concentrating (sterling)
- [ ] Wind

(i) Annual % of total load 0.00

(ii) System size (kwatts) 0.0

B. Solar Hot Water Percentage - 30% target

Goals In Compliance [ ] Yes [x] N/A

N/A due to

- [ ] Mission preclusion
- [x] Not LCCE
- [ ] Installation/region issue
- [ ] Building/site issue
- [ ] Renovation only: not part of scope

(i) Annual % of total load 0.00

(ii) System size (kBTU/Year) 0.0

5. Metering (Measurement)

Goals In Compliance [x] Yes [ ] N/A

N/A due to

- [ ] Mission preclusion
- [ ] Not LCCE
- [ ] Installation/region issue
- [ ] Building/site issue
- [ ] Renovation only: not part of scope

6. Energy Use Intensity kBTU/Sq Ft/Year

(i) Total Design Energy Use Intensity (EUI): kBTU/Sq Ft/Year 75.8

III. Protect and Conserve Water

7. Indoor Water Use

A. Water-Efficient Products

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

(i) Total Design Indoor Water Use Intensity (WUI): Gallons/Sq Ft/Year 1

B. Indoor Water Meter

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

8. Outdoor Water Use

A. Outdoor Water Meter

(i) Is there a permanent irrigation system serving more than 25,000 SF of landscaping?

☐ Yes ☑ No

(ii) Water Meter

Goals In Compliance ☐ Yes ☑ N/A

N/A due to

☐ Mission preclusion ☑ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

B. Water-efficient landscape

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

C. Reduce landscape potable water use

Goals In Compliance ☐ Yes ☑ N/A

N/A due to

☐ Mission preclusion ☑ Building/site issue
☐ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

(i) Percent potable water use is reduced

9. Alternative Water Use

Goals In Compliance ☐ Yes ☑ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue
☑ Not LCCE ☐ Renovation only: not part of scope
☐ Installation/region issue

Methods Proposed:

☐ Air Handler Condensate Capture ☐ Reclaimed Water
☐ Grey Water ☐ Treated Wastewater
☐ Harvested Rainwater ☐ OTHER:

10. Stormwater Management - update the LID Data tab

IV. Enhance Indoor Environmental Quality

11. Ventilation and Thermal Comfort

A. Ventilation

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

B. Thermal Comfort

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

12. Daylighting and Lighting Controls

A. Daylight

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

B. Automatic dimming controls

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

13. Indoor Air Quality

A. Moisture Control

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

B. Low-Emitting Materials

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

C. Indoor Air Quality during Construction

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

14. Occupant Health and Wellness

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

V. Reduce the Environmental Impact of Materials

15. Material Content and Performance

A. Resource Conservation and Recovery Act (RCRA) Section 6002 (recycled content)

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

B. Farm Security and Rural Investment Act (FSRIA) section 9002 (Biobased content)

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

C. Ozone depleting Compounds

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

16. Waste Management

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

17. Waste Diversion - 60% target

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

(i) Percent diverted 75

VI. Assess and Consider Climate Change Risks

18. Address Climate Change Risk

Goals In Compliance ☑ Yes ☐ N/A

N/A due to

☐ Mission preclusion ☐ Building/site issue

☐ Not LCCE ☐ Renovation only: not part of scope

☐ Installation/region issue

THIRD PARTY CERTIFICATION INFORMATION

Does at least one building meet one of the following: ☑ Yes ☐ No

1) New construction with construction cost greater than $3M? - **OR** -

2) In an existing building larger than 5,000 SF, renovation with construction cost greater than $3M and 50% estimated replacement cost (ERC)?

Sustainability Third Party Certification Rating

Third Party Certification Rating System and Level

- ☐ USGBC LEED Certified
- ☑ USGBC LEED Silver
- ☐ USGBC LEED Gold
- ☐ USGBC LEED Platinum
- ☐ USGBC "Guiding Principles Assessment"
- ☐ OTHER
- ☐ GBI Green Globes 1 Globe
- ☐ GBI Green Globes 2 Globe
- ☐ GBI Green Globes 3 Globe
- ☐ GBI Green Globes 4 Globe
- ☐ GBI "Guiding Principles Compliance"

i. Third Party Certification Rating system - Other

LEED v4 for BD+C: New Construction and Major Renovation

Project Checklist

Project Name: NOAA OMAO Ship & Support Facility Relocation
Revision/Date: Final Design Submittal 11/2022

Y	?	N			
0	0	1	Credit	Integrative Process	1

2	0	30	**Location and Transportation**		32
0	0	16	Credit	LEED for Neighborhood Development Location	16
1	0	0	Credit	Sensitive Land Protection	1
0	0	2	Credit	High Priority Site	2
0	0	5	Credit	Surrounding Density and Diverse Uses	5
0	0	5	Credit	Access to Quality Transit	5
0	0	1	Credit	Bicycle Facilities	1
0	0	1	Credit	Reduced Parking Footprint	1
1	0	0	Credit	Green Vehicles	1

6	0	4	**Sustainable Sites**		10
Y			Prereq	Construction Activity Pollution Prevention	Required
1	0	0	Credit	Site Assessment	1
2	0	0	Credit	Site Development - Protect or Restore Habitat	2
0	0	1	Credit	Open Space	1
0	0	3	Credit	Rainwater Management	3
2	0	0	Credit	Heat Island Reduction	2
1	0	0	Credit	Light Pollution Reduction	1

6	0	5	**Water Efficiency**		11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
2	0	0	Credit	Outdoor Water Use Reduction	2
3	0	3	Credit	Indoor Water Use Reduction	6
0	0	2	Credit	Cooling Tower Water Use	2
1	0	0	Credit	Water Metering	1

19	0	17	**Energy and Atmosphere**		36
Y			Prereq	Fundamental Commissioning and Verification	Required
Y			Prereq	Minimum Energy Performance	Required
Y			Prereq	Building-Level Energy Metering	Required
Y			Prereq	Fundamental Refrigerant Management	Required
3	0	3	Credit	Enhanced Commissioning	6
11	0	7	Credit	Optimize Energy Performance	18
0	0	1	Credit	Advanced Energy Metering	1
0	0	2	Credit	Demand Response	2
0	0	3	Credit	Renewable Energy Production	3
0	0	1	Credit	Enhanced Refrigerant Management	1
5	0	0	Credit	Green Power and Carbon Offsets*	5

6	0	7	**Materials and Resources**		13
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
1	0	4	Credit	Building Life-Cycle Impact Reduction	5
1	0	1	Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
1	0	1	Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
1	0	1	Credit	Building Product Disclosure and Optimization - Material Ingredients	2
2	0	0	Credit	Construction and Demolition Waste Management	2

10	0	6	**Indoor Environmental Quality**		16
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
2	0	0	Credit	Enhanced Indoor Air Quality Strategies	2
3	0	0	Credit	Low-Emitting Materials	3
1	0	0	Credit	Construction Indoor Air Quality Management Plan	1
2	0	0	Credit	Indoor Air Quality Assessment	2
1	0	0	Credit	Thermal Comfort	1
1	0	1	Credit	Interior Lighting	2
0	0	3	Credit	Daylight	3
0	0	1	Credit	Quality Views	1
0	0	1	Credit	Acoustic Performance	1

6	0	0	**Innovation**		6
1	0	0	Credit	Exemplary Performance - IEQ Low Emitting Materials	1
1	0	0	Credit	Exemplary Performance - M&R Environmental Product Declarations	1
1	0	0	Credit	Innovation - Lamp Purchasing	1
1	0	0	Credit	Innovation - O&M Starter, Green Cleaning Policy	1
1	0	0	Credit	Pilot Credit - Legal Wood	1
1	0	0	Credit	LEED Accredited Professional	1

1	0	5	**Regional Priority**		6
0	0	1	Credit	Regional Priority: { Rainwater Management	1
1	0	0	Credit	Regional Priority: { Optimize Energy	1
0	0	1	Credit	Regional Priority: { Access to Quality Transit	1
0	0	1	Credit	Regional Priority: { Building Life-Cycle Impact	1
0	0	1	Credit	Regional Priority: { High Priority Site	1
0	0	1	Credit	Regional Priority: { Bicycle Facilities	1

56	0	75	**TOTALS**	Possible Points:	131

Certified: 40 to 49 points, **Silver:** 50 to 59 points, **Gold:** 60 to 79 points, **Platinum:** 80 to 110

***Version 4.1 updated quantity of points achievable.**

CONTENTS

ATTACHMENT G – PERMITS

Attachment G - Permits

1. Corps of Engineers Permit No. NAE-2022-01984
    a. NAE-2022-01984_GP_Letter
    b. NAE-2022-01984_Plans
    c. NAE-2022-01984_Work Start Notification Form
    d. Rhode Island General Permit 2022
2. Incidental Harassment Authorization (IHA)

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

November 18, 2022

Regulatory Division
File Number NAE-2022-01984

Mr. David Dorocz
Department of the Navy, Naval Station Newport
1 Simonpietri Drive
Newport, Rhode Island 02841
david.d.dorocz.civ@us.navy.mil

RI CRMC Application #: 2022-08-054

Dear Mr. Dorocz:

The U.S. Army Corps of Engineers (USACE) has reviewed your application to establish adequate pier, shoreside, and support facilities for the permanent relocation of four National Oceanic and Atmospheric Administration (NOAA) Atlantic Fleet research vessels to Naval Station (NAVSTA) Newport. Impacts within 1.3 acres of waters of the U.S. will consist of the construction of a 587-foot by 62-foot, four-berth pier with a 506-foot by 28-foot trestle; a 66-foot by 20-foot small boat floating dock with two gangway segments; and a 728-foot long concrete bulkhead that will be installed approximately 30 inches in front of an existing bulkhead, with 2,411 square feet in between the new and existing bulkheads filled with 892 cubic yards of gravel. The project area is within Coddington Cove at NAVSTA Newport, located in Middletown, Rhode Island (41.5247°N, 71.3134°W). Plans are depicted on the enclosed 13 sheets titled "Relocation of NOAA Research Vessels, Naval Station (NAVSTA) Newport, Rhode Island," dated November 18, 2022.

Based on the information that you have provided, we verify that the Pre-Construction Notification (PCN) activity is authorized under General Permits 2 and 4 of the enclosed May 6, 2022, Federal permits known as the Rhode Island General Permits (GPs).

Please review the enclosed GPs carefully, including the general conditions beginning on page 43, to ensure that you and whoever does the work understand its requirements. A copy of the GPs and this verification letter shall be available at the project site throughout the time the work is underway. The GPs are also available at https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Rhode-Island-General-Permit/. Performing work within our jurisdiction that is not specifically authorized by this determination or failing to comply with any special condition provided above and all of the terms and conditions of the GPs may subject you to the enforcement

provisions of our regulations. You must perform this work in compliance with the terms and conditions of the GPs and the following special conditions:

1. The lowermost part of floats shall be at least 18 inches above the substrate at all times to avoid grounding and scour.

2. Appropriate soil erosion, sediment and turbidity controls shall be used and maintained in effective operating condition during construction.

3. You shall utilize soft start methods for any impact pile-driving activities.

4. You must complete and return the enclosed Work Start Notification Form this office at least two weeks before the anticipated starting date.

This authorization expires on May 6, 2027. You must commence or be under contract to commence the work authorized herein by May 6, 2027, and complete the work by May 6, 2028. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. We recommend that you contact us *before* this authorization expires to discuss permit reissuance. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. We must approve any changes before you undertake them.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on page 2 of the GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

The Rhode Island Coastal Resources Management Council (CRMC) has reviewed this project and issued their required authorization.

We continually strive to improve our customer service. For us to better serve you, we would appreciate your completing our Customer Service Survey located at https://regulatory.ops.usace.army.mil/customer-service-survey/.

Please contact Daniel Breen, of my staff, at (978) 318-8831 or Daniel.B.Breen@usace.army.mil if you have any questions.

Sincerely,

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

cc:
Sarah Bowman, Department of the Navy, Newport, RI; sarah.h.bowman.civ@us.navy.mil
Carrie Schulte, Department of the Navy, Newport, RI; carrie.schulte@navy.mil
Neal Personeus, RI DEM, Providence, RI; neal.personeus@dem.ri.gov
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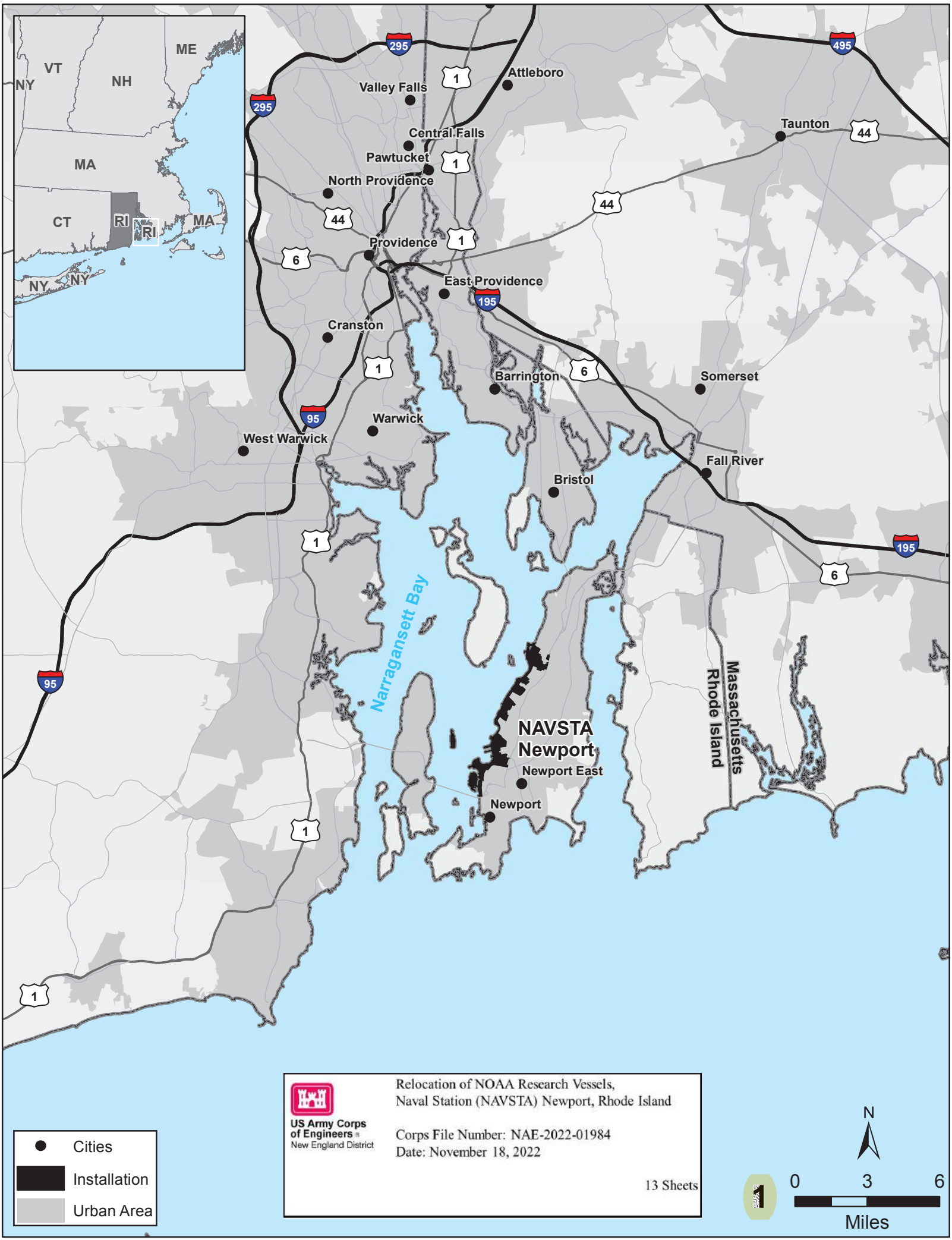
Sabrina Pereira, US NMFS, Gloucester, MA; sabrina.pereira@noaa.gov


ME
VT
NH
NY
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RI
MA
NY
NY
295
295
495
1
Attleboro
Valley Falls
Central Falls
Pawtucket
North Providence
Taunton
44
44
44
Providence
1
6
East Providence
195
Cranston
1
Barrington
6
Somerset
95
Warwick
West Warwick
Fall River
Bristol
1
195
6
Narragansett Bay
95
NAVSTA
Newport
Newport East
Newport
Massachusetts
Rhode Island
1
1
Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island
US Army Corps
of Engineers
New England District
Corps File Number: NAE-2022-01984
Date: November 18, 2022
13 Sheets
Cities
Installation
Urban Area
N
0
3
6
Miles

State Highway and Route

Local Road

Proposed Project Area

NAVSTA Newport

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

N

2

0 0.25 0.5

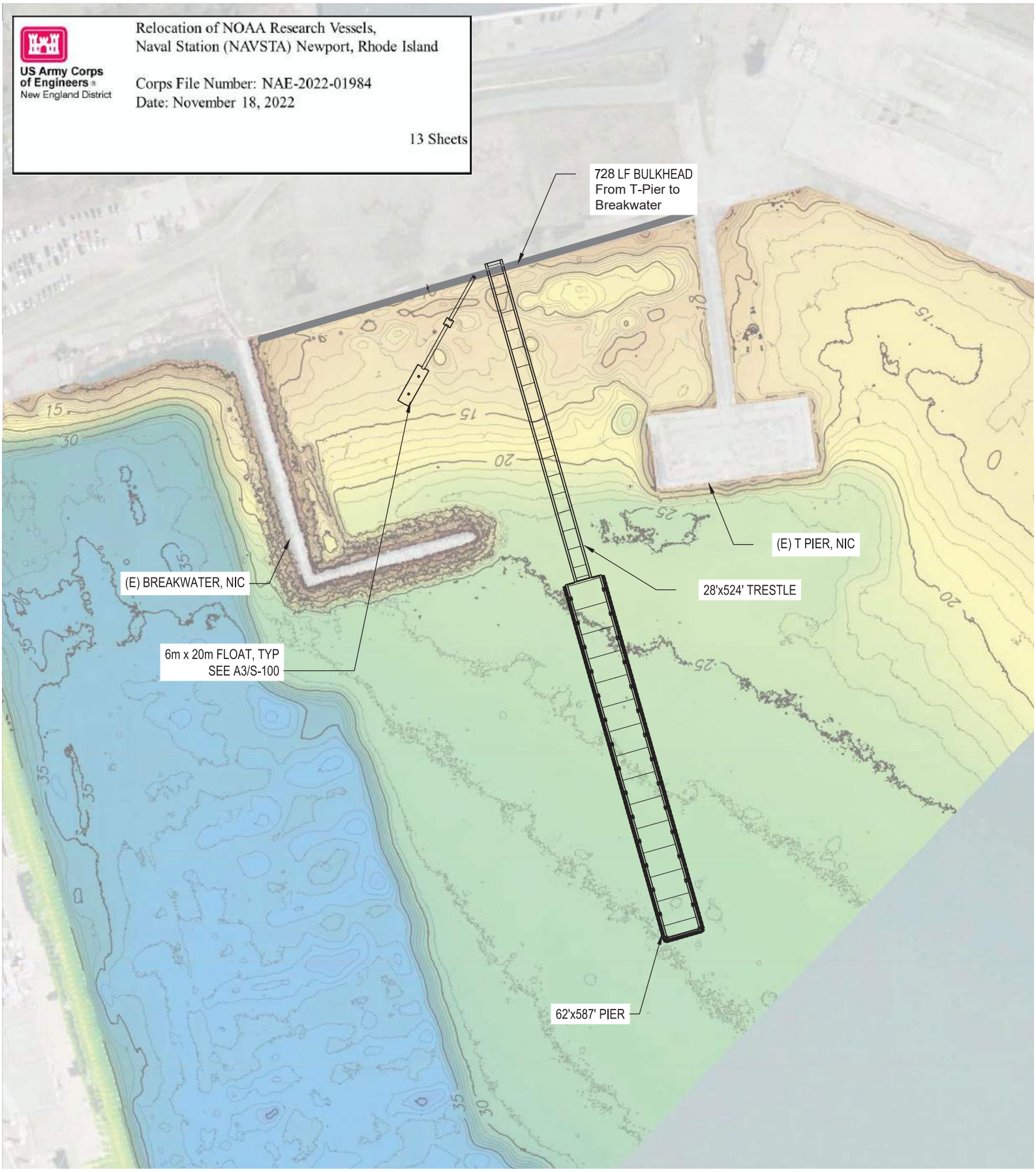
Miles

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets



SEE NOTE 1

N

PLAN - PIER & FLOAT LOCATION

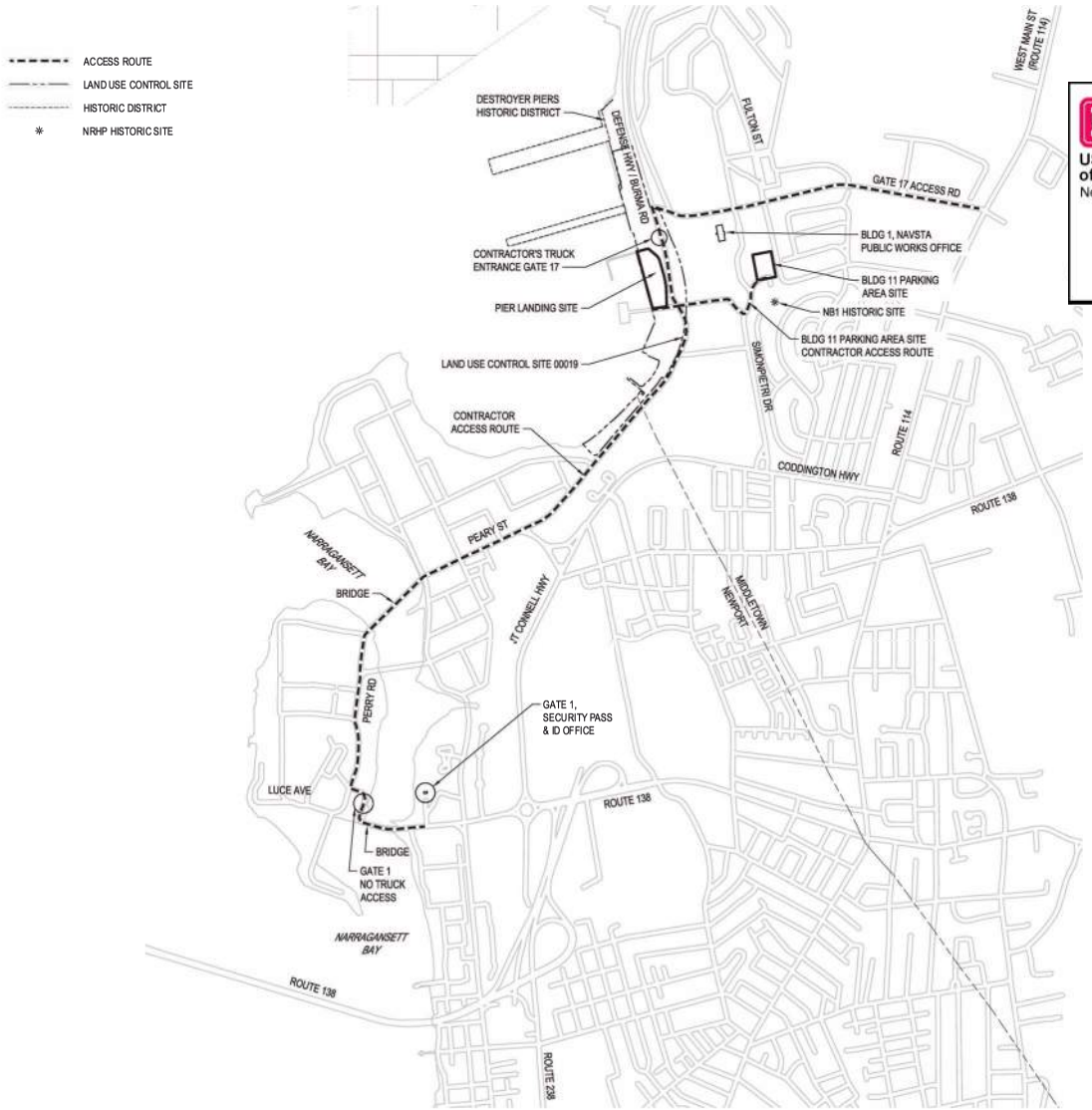
3

SCALE: 1" = 250'

0 100' 250'

SHEET NOTES

1. SEE DRAWING C-001 FOR LEGEND, ABBREVIATIONS & GENERAL NOTES.
2. ALL TRUCK ACCESS TO BE THROUGH GATE 17.
3. MATERIAL LAYDOWN AND STORAGE AREA TO BE WITHIN THE LIMITS OF CONSTRUCTION AND APPROVED BY THE CONTRACTING OFFICER.



A1 **SITE ACCESS AND LAYDOWN AREA PLAN**
SCALE: 1" = 800'

1" = 800' 0 800' 1600'

PLAN NORTH

US Army Corps of Engineers ®
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

C	100% PRE-FINAL SUBMITTAL	04/07/2022
B	65% SUBMITTAL	10/15/2021
A	35% SUBMITTAL	01/06/2021

NAVFAC

PRELIMINARY NOT FOR CONSTRUCTION

MN+ EMCD JointVenture

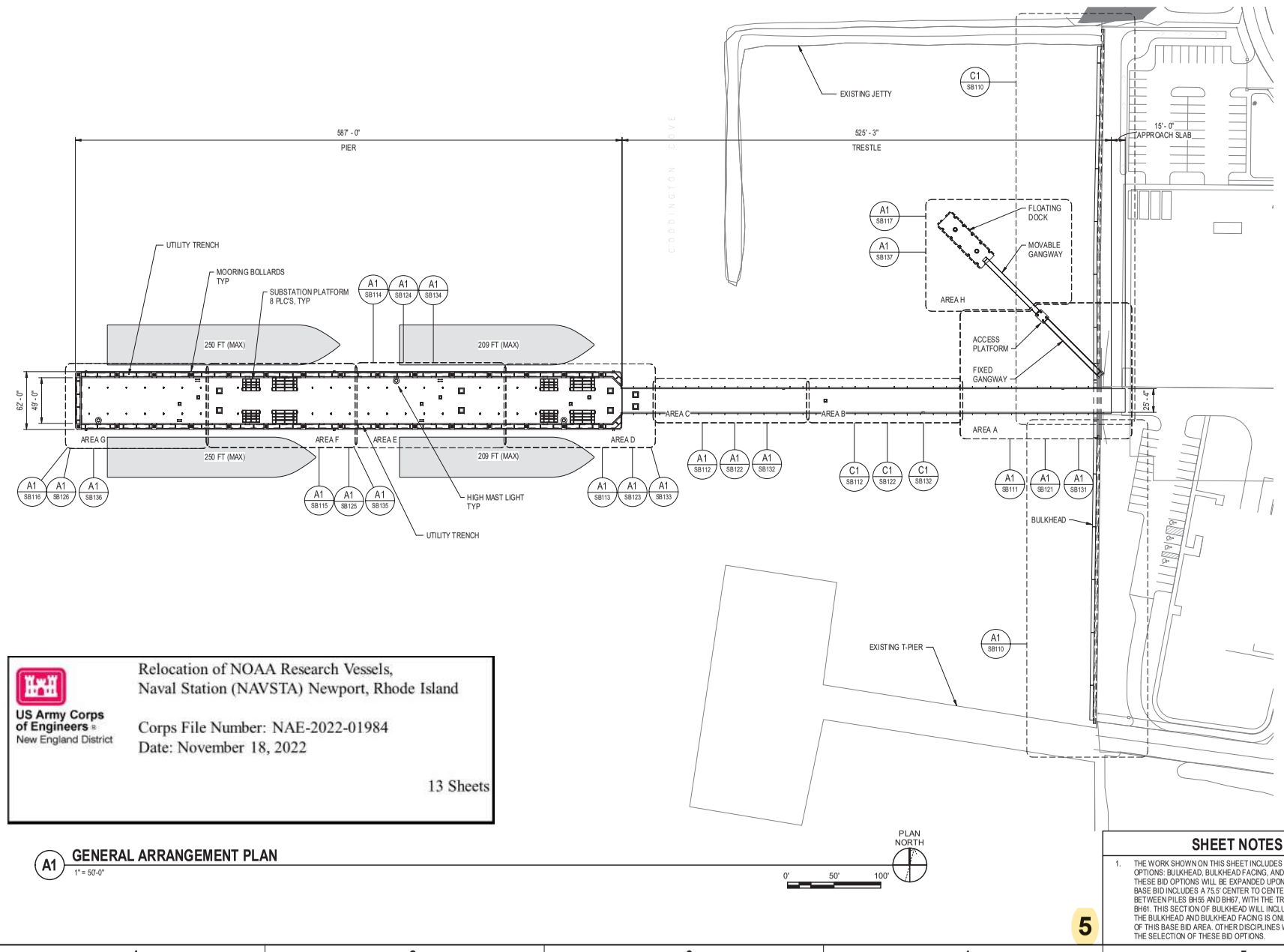
DES RJS DRW RJS CHK DPA

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - MID-ATLANTIC
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
SITE ACCESS & LAYDOWN AREA

PROJECT NO: 1562331

4

C-003



Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

US Army Corps of Engineers
New England District

A1 **GENERAL ARRANGEMENT PLAN**
1" = 50'-0"

SHEET NOTES

1. THE WORK SHOWN ON THIS SHEET INCLUDES THREE SEPARATE BID OPTIONS: BULKHEAD, BULKHEAD FACING, AND FLOATING DOCK SYSTEM. THESE BID OPTIONS WILL BE EXPANDED UPON ON THE SB SHEETS. THE BASE BID INCLUDES A 75.5' CENTER TO CENTER SECTION OF BULKHEAD BETWEEN PILES BH55 AND BH67, WITH THE TRESTLE CENTERED ON PILE BH61. THIS SECTION OF BULKHEAD WILL INCLUDE A BULKHEAD FACING. THE BULKHEAD AND BULKHEAD FACING IS ONLY A BID OPTION OUTSIDE OF THIS BASE BID AREA. OTHER DISCIPLINES WILL ALSO BE AFFECTED BY THE SELECTION OF THESE BID OPTIONS.

STM	DESCRIPTION	DATE	APPR
C	100% PRE-FINAL SUBMITTAL	04/07/2022	
B	65% SUBMITTAL	10/15/2021	
A	35% SUBMITTAL	07/09/2021	

PRELIMINARY NOT FOR CONSTRUCTION

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND – MID-ATLANTIC
NAVAL STATION NORFOLK, NORFOLK, VA
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
PIER - GENERAL ARRANGEMENT PLAN

APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
SATISFACTORY TO DATE
DES JMM DRN CAM CHK PRG
PM/TM LE/RC
BRANCH MANAGER
CHIEF ENGR/ARCH EJA
FIRE PROTECTION DSN

SCALE AS NOTED
EFD PROJECT NO.: 152331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO.
SHEET OF 100
SB101

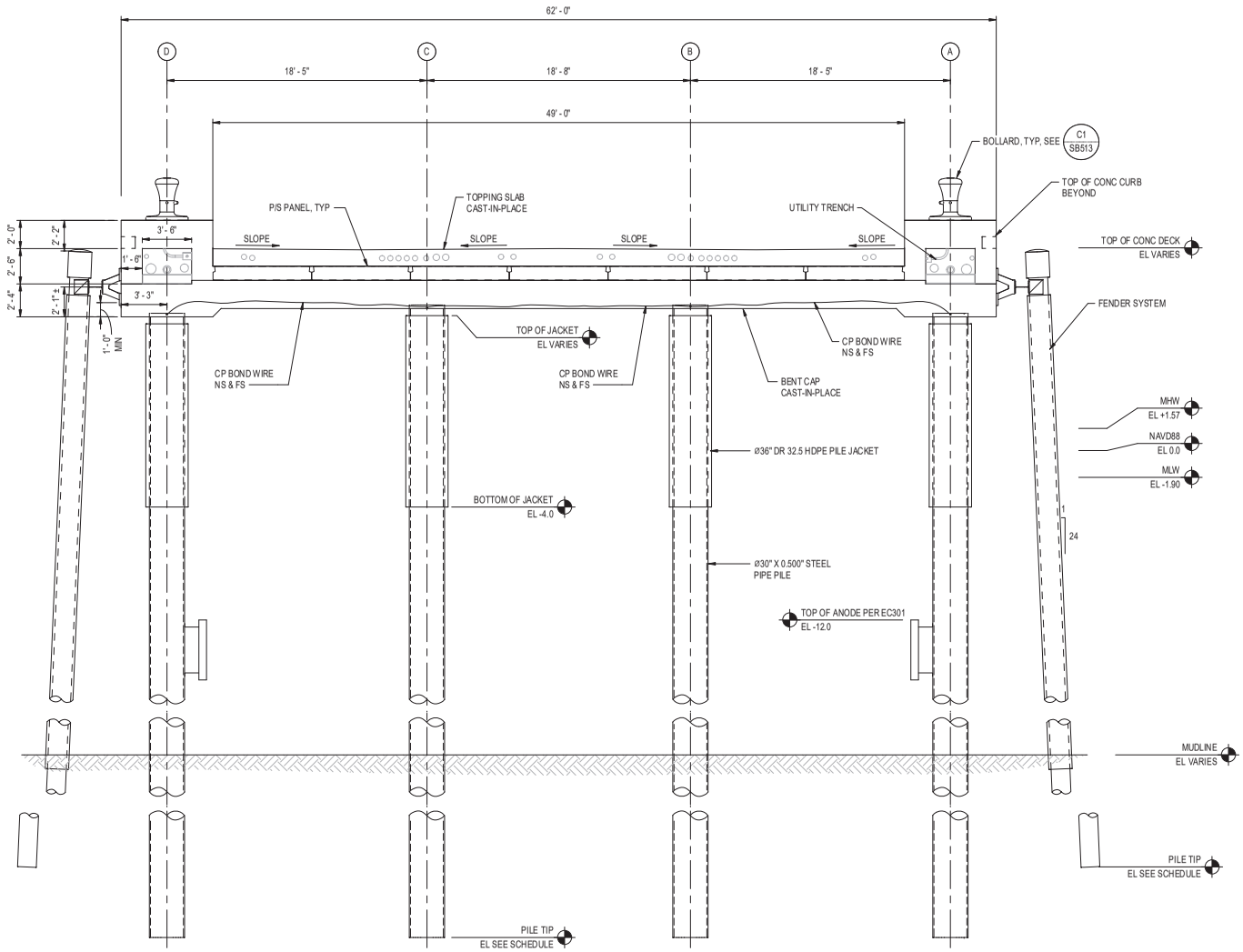
5

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets



A1 **TYPICAL PIER SECTION**
1/4" = 1'-0"

0' 2' 4' 8'

SYM	DESCRIPTION	DATE	APPR
C	100% PRE-FINAL SUBMITTAL	04/07/2022	
B	65% SUBMITTAL	10/15/2021	
A	35% SUBMITTAL	07/09/2021	

PRELIMINARY NOT FOR CONSTRUCTION

APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
DATE SATISFACTORY TO DATE
DES JMM DRN CAM CHK PRG
PM/TM LE/RC
BRANCH MANAGER
CHIEF ENGINEER EJA
FIRE PROTECTION DSN

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
NAVFAC ATLANTIC
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND – MID-ATLANTIC
9742 MAYPORT ROAD, NAVSTA NORFOLK, NORFOLK, VA

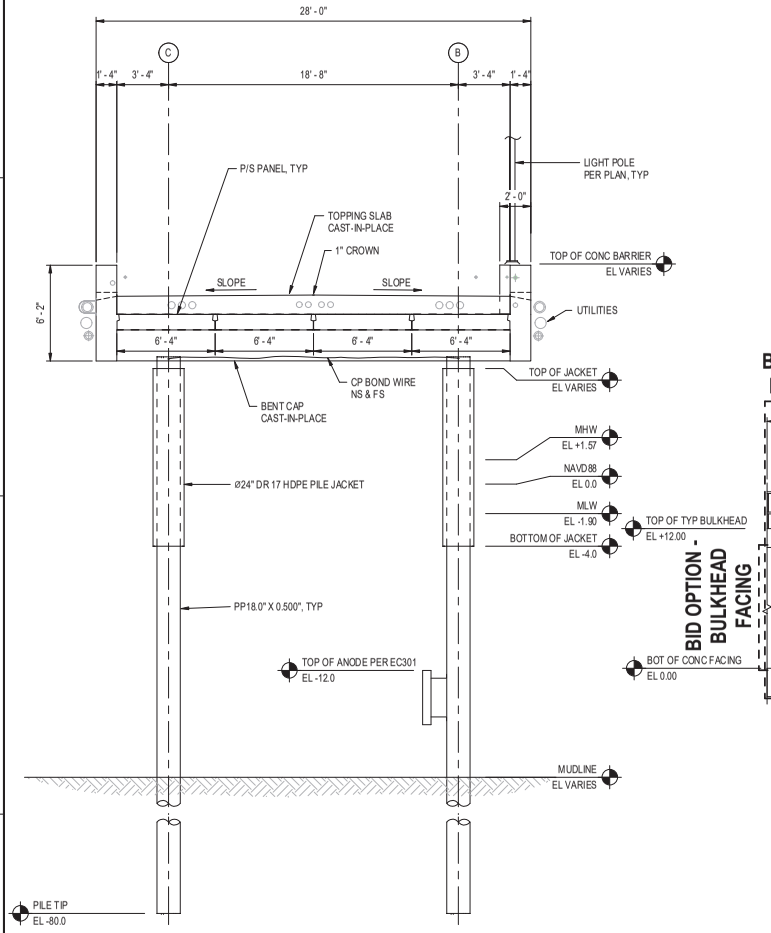
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND

NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION

PIER - TYPICAL SECTIONS

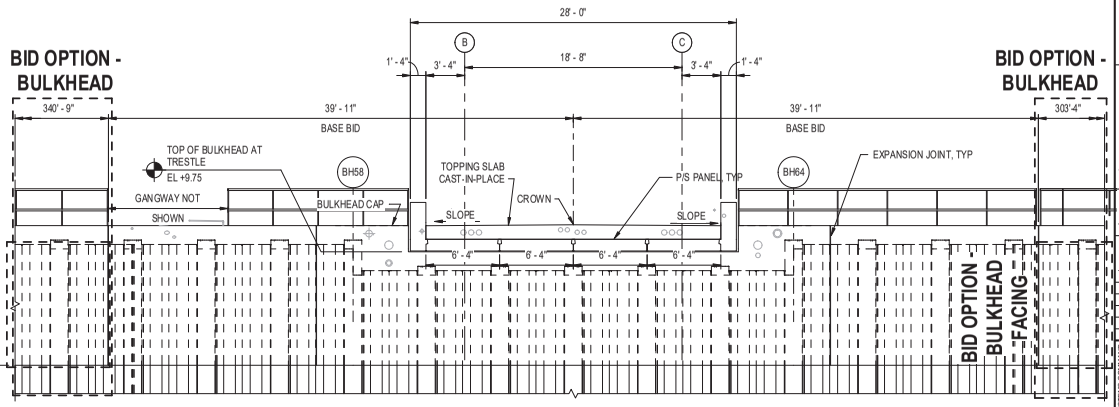
SCALE AS NOTED
EFPROJECT NO.: 192331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO.
SHEET 6 OF 100
SB303

D RAWFORM REVISION: 3 AUG LIST 2020



A1 TYPICAL TRESTLE SECTION
1/4" = 1'-0"

0' 2' 4' 8'



B3 SECTION AT BULKHEAD
3/16" = 1'-0"

0' 4' 8' 12'

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

STM	DESCRIPTION	DATE	APPR
C	100% PRE-FINAL SUBMITTAL	04/07/2022	
B	65% SUBMITTAL	10/15/2021	
A	35% SUBMITTAL	07/09/2021	

NAVFAC

PRELIMINARY NOT FOR CONSTRUCTION

MN BMCD JointVenture

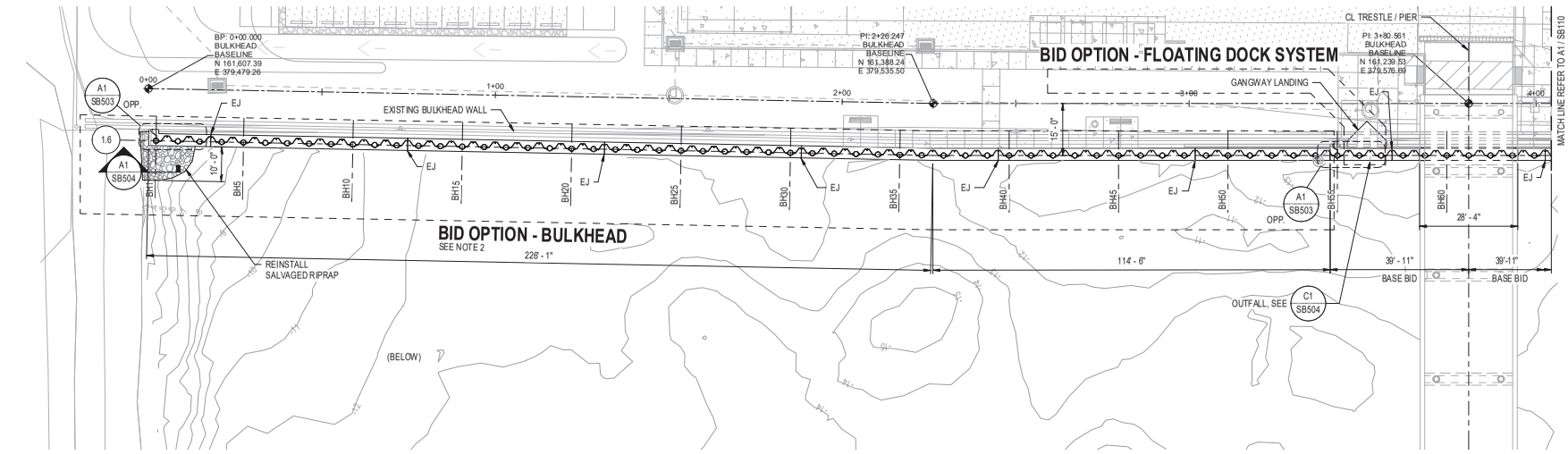
APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
SATISFACTORY TO DATE
DES JMM DRN CAM CHK PRG
PM/TM LE/RC
BRANCH MANAGER
CHIEF ENGR/CH EJA
FIRE PROTECTION DSN

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND -- MID-ATLANTIC
NORFOLK, VIRGINIA
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
PIER - TYPICAL TRESTLE SECTIONS

SCALE: AS NOTED
EFD PROJECT NO.: 192331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO.
SHEET OF 100
SB302

7

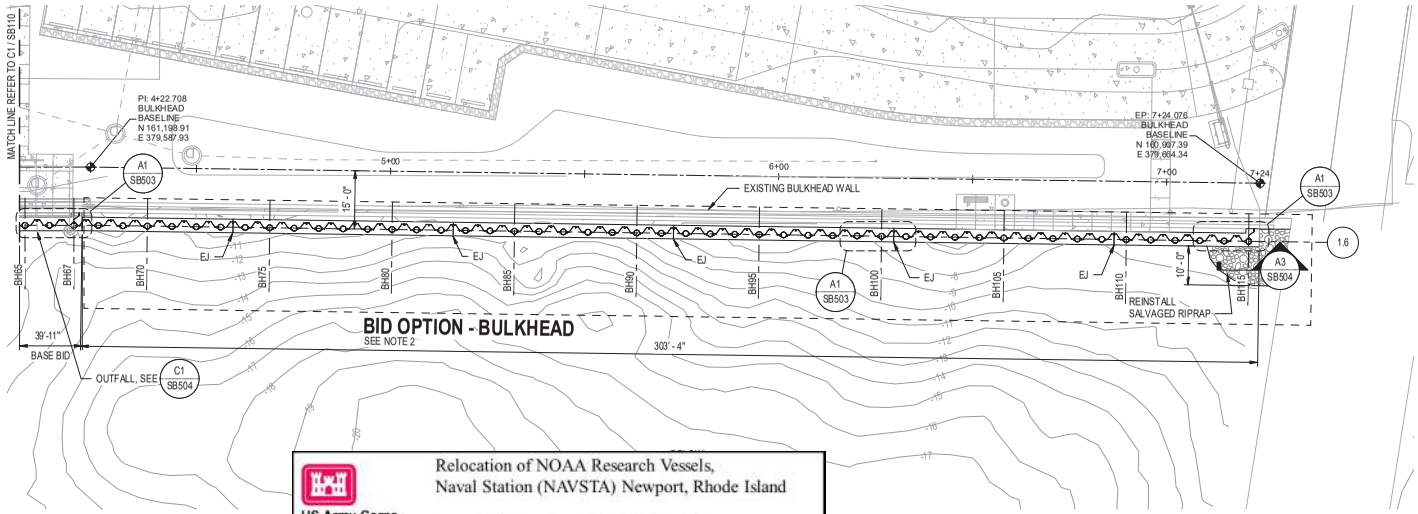
D RAWFORM REVISION: 3 AUG LIST 2020



C1 **BULKHEAD PILE PLAN - 1**
1/16" = 1'-0"

PLAN NORTH

0' 8' 16' 32'



A1 **BULKHEAD PILE PLAN - 2**
1/16" = 1'-0"

PLAN NORTH

0' 8' 16' 32'

SHEET NOTES

1. SEE PILE SCHEDULE ON SB601 & SB602.
2. FOR CLOSURE IF BULKHEAD BID OPTION IS NOT SELECTED, SEE SB111.

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

STM	DESCRIPTION	DATE	APPR
B	100% PRE-FINAL SUBMITTAL	04/07/2022	
A	95% SUBMITTAL	3/15/2021	

PRELIMINARY NOT FOR CONSTRUCTION

APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
SATISFACTORY TO DATE
DES JMM DRN CAM CHK PRG
PATH LE/RC
BRANCH MANAGER
CHIEF ENGINEER EJA
FIRE PROTECTION DSN

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND – MID-ATLANTIC
NAVAL STATION NORFOLK, NORFOLK, VA
MIDLANTDIV
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
PIER - BULKHEAD PILE PLAN

SCALE AS NOTED
EFPROJECT NO. 192331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO.
SHEET OF 100
SB110

8

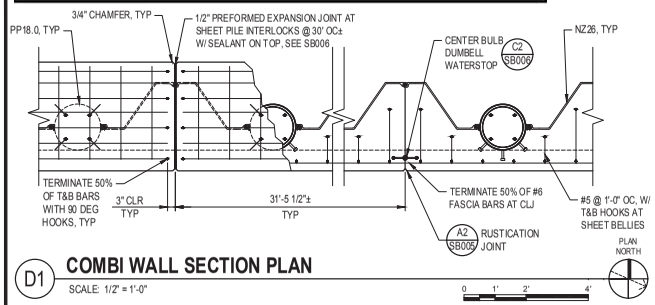
D RAWFORM REVISION: 2 AUG LIST 2010

US Army Corps of Engineers
New England District

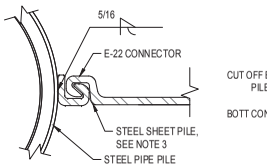
Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

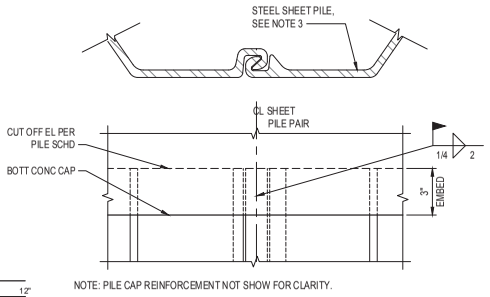
13 Sheets



D1 **COMBI WALL SECTION PLAN**
SCALE: 1/2" = 1'-0"

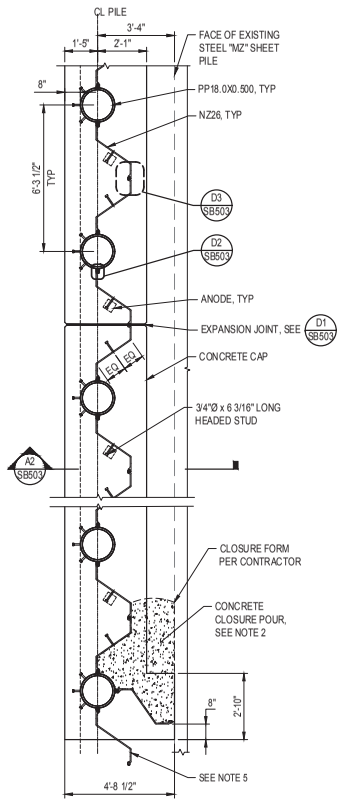


D2 **TYPICAL CONNECTOR DETAIL**
SCALE: 3" = 1'-0"

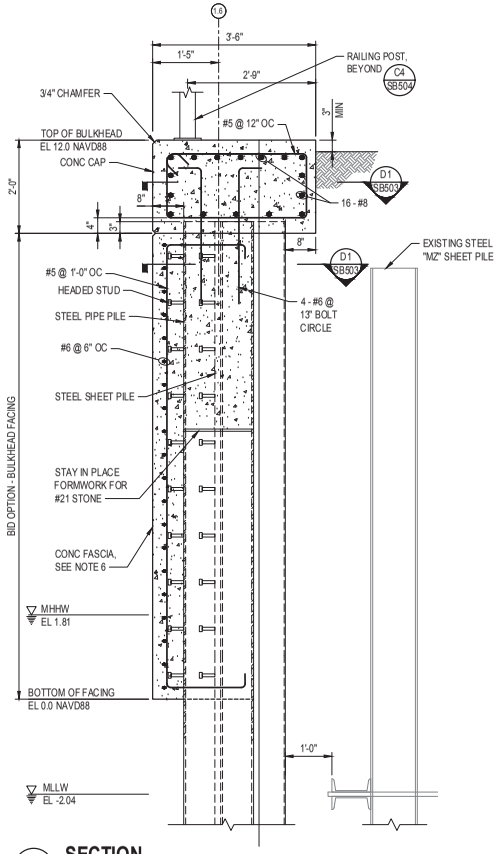


NOTE: PILE CAP REINFORCEMENT NOT SHOW FOR CLARITY.

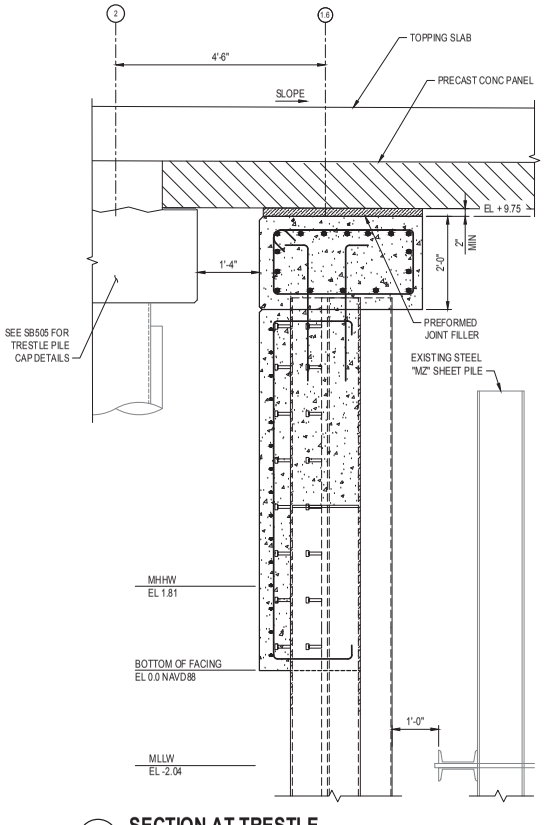
D3 **TYPICAL DETAIL**
SCALE: 3" = 1'-0"



A1 **COMBI WALL PLAN**
SCALE: 3/8" = 1'-0"



A2 **SECTION**
SCALE: 3/4" = 1'-0"



A3 **SECTION AT TRESTLE**
SCALE: 3/4" = 1'-0"

SHEET NOTES

1. SECURE TOP OF PILE IN PROPER POSITION PRIOR TO PLACING PILE CAP.
2. POUR CONCRETE CLOSURE PLUG TO 3'-0" BELOW EXISTING MUDLINE TO PREVENT LOSS OF BACKFILL.
3. STEEL SHEET PILE NOTES:
   A. SECTION MODULUS OF NZ26 IS 48.50 CU IN/LF WITH A FLANGE THICKNESS = 0.50" AND WEB THICKNESS = 0.50".
   B. THE SIZES OF WELD SHOWN ARE MINIMUM. PROVIDE WELDING AS PER MANUFACTURER'S RECOMMENDATIONS.
4. SEE PILE SCHEDULE FOR PILE TIP ELEVATION.
5. IF BULKHEAD BID OPTION IS NOT FUNDED, THEN PILES S54B AND S67A ARE PROVIDED TO EXTEND BULKHEAD IN THE FUTURE, SEE PILE SCHEDULE.
6. BULKHEAD FACING IS PROVIDED WITH THE BASE BID BETWEEN PILES BH55 AND BH67 AND IS A BID OPTION ASSOCIATED WITH THE BULKHEAD BID OPTION.

DES	DRW	CHK	PRG
	SA		

NO.	DESCRIPTION	DATE
C	100% PRE-FINAL SUBMITTAL	04/07/2022
B	65% SUBMITTAL	10/15/2021
A	35% SUBMITTAL	01/06/2021

PRELIMINARY NOT FOR CONSTRUCTION

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - MID-ATLANTIC
NAVFAC MID-ATLANTIC, NORFOLK, VIRGINIA

NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND

NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION

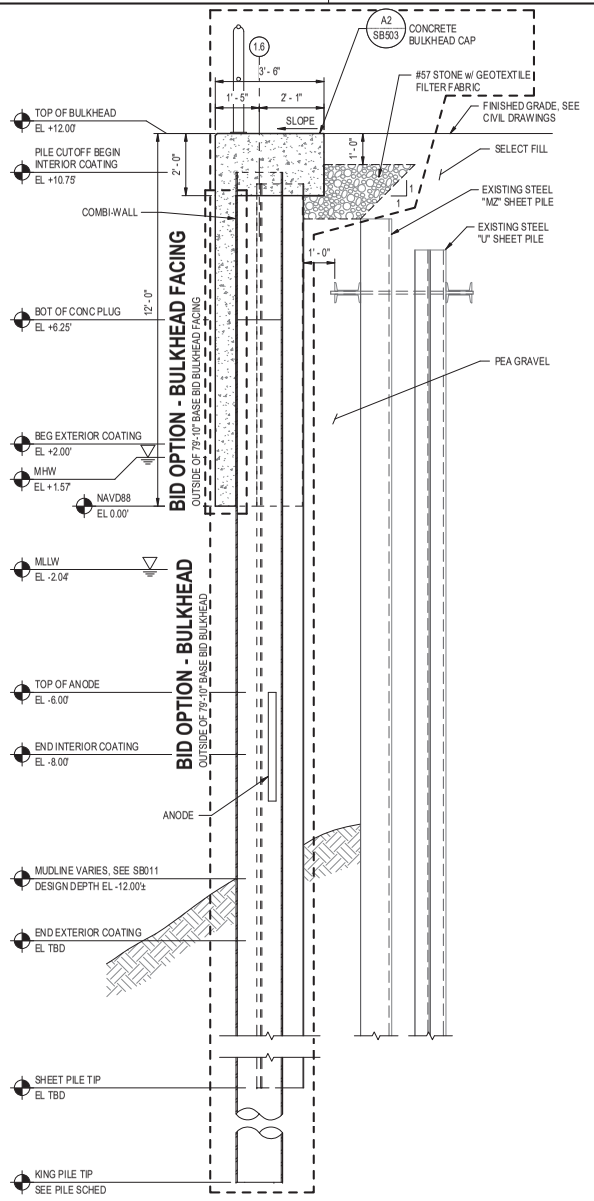
BULKHEAD DETAILS 1 OF 2

SCALE: AS NOTED
EPROJECT NO.: 1562331
CONSTR. CONTR. NO.:
NAVFAC DRAWING NO.: ---
SHEET --- OF ---

8a

SB503

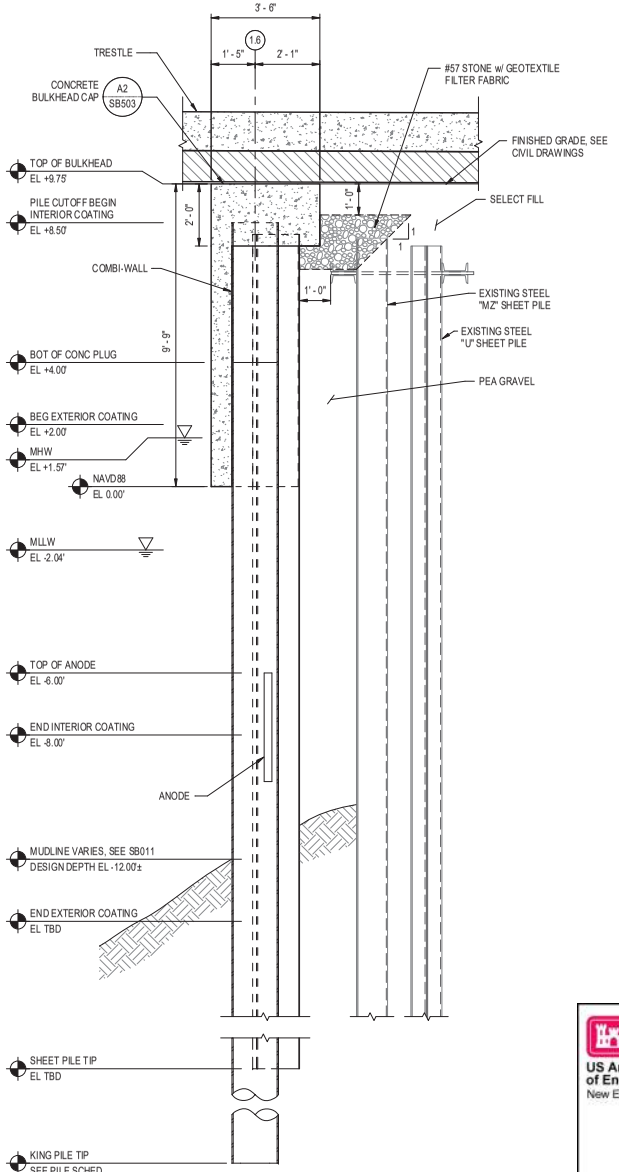
DRAWFORM REVISION 2.5 AUG 2020



A1 **SECTION - SEE NOTE 1**

1/2" = 1'-0"

0' 1' 2' 4'



A3 **SECTION**

1/2" = 1'-0"

0' 1' 2' 4'

SHEET NOTES

1. THE FASCIA ON SECTION A1 MAY BE OMITTED BASED ON THE FOLLOWING BID OPTIONS - BULKHEAD AND FACING.

US Army Corps of Engineers
New England District

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

8b

STM	DESCRIPTION	DATE	APPR
C	100% PRE-FINAL SUBMITTAL	04/07/2022	
B	65% SUBMITTAL	10/15/2021	
A	35% SUBMITTAL	07/09/2021	

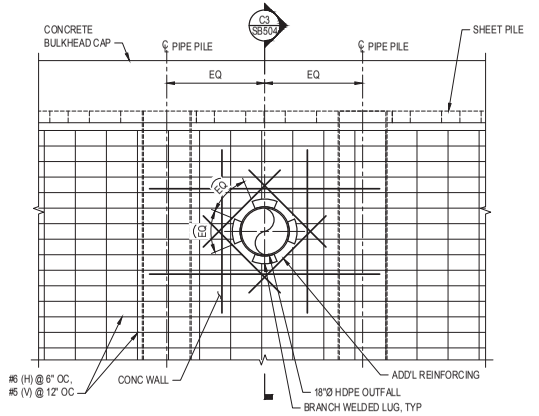
PRELIMINARY NOT FOR CONSTRUCTION

APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
SATISFACTORY TO DATE
DES JMM DRN CAM CHK PRG
PM/TM LE/RC
BRANCH MANAGER
CHIEF ENGR/CH EJA
FIRE PROTECTION DSN

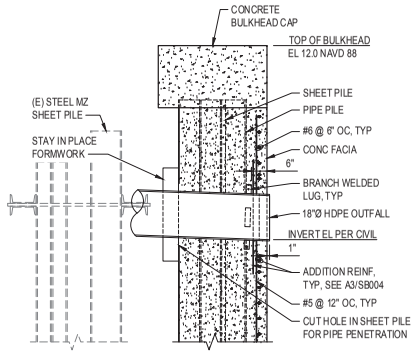
DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND – MID-ATLANTIC
NAVAL STATION NORFOLK, NORFOLK, VA
MIDLANTDIV
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
PIER - BULKHEAD SECTIONS

SCALE AS NOTED
EFD PROJECT NO. 192331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO.
SHEET OF 100
SB301

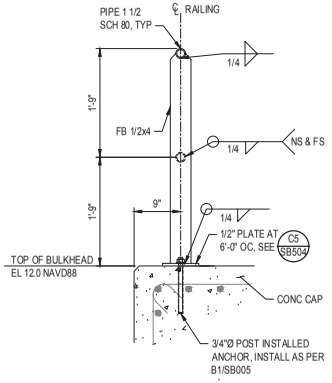
D-RAWFORM REVISION: 3 AUG LIST 2020



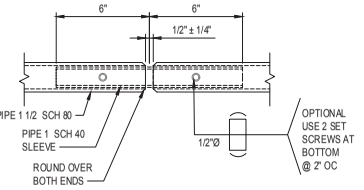
C1 **OUTFALL ELEVATION**
SCALE: 1/2" = 1'-0"



C3 **OUTFALL SECTION**
SCALE: 1/2" = 1'-0"

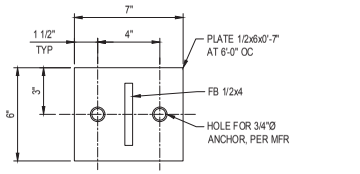


C4 **DETAIL - GUARDRAIL POST**
SCALE: 1" = 1'-0"



DETAIL - EXPANSION JOINT (FIELD SPLICE SIM)

D5 SCALE: 3" = 1'-0"



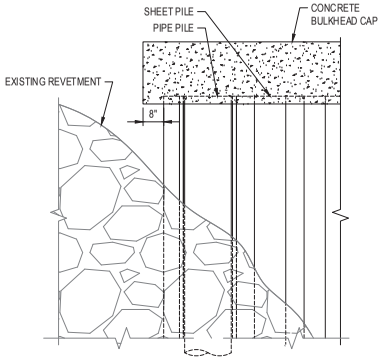
C5 **DETAIL - BASE PLATE**
SCALE: 3" = 1'-0"

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

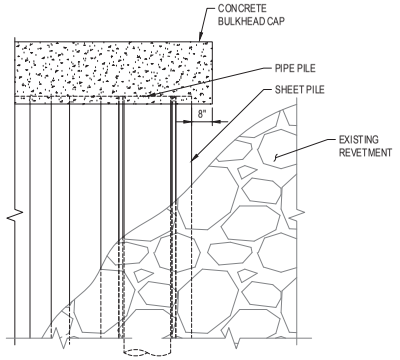
US Army Corps of Engineers
New England District

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets

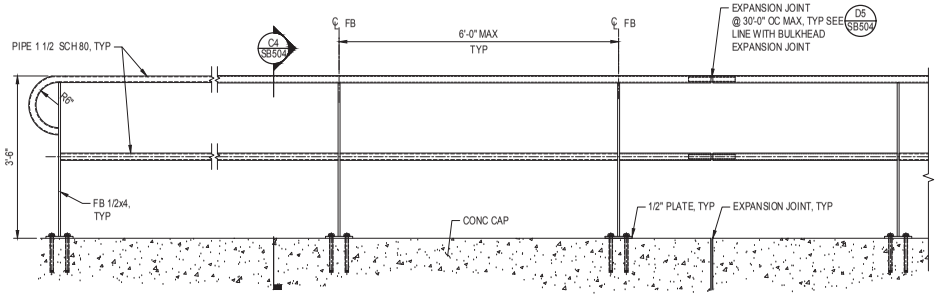


A1 **END OF BULKHEAD AT JETTY**
SCALE: 1/2" = 1'-0"



A3 **END OF BULKHEAD AT T-PIER**
SCALE: 1/2" = 1'-0"

BID OPTION - BULKHEAD



A4 **ELEVATION - GUARDRAIL**
SCALE: 3/4" = 1'-0"

A	65% SUBMITTAL	10/15/2021
B	100% PRE-FINAL SUBMITTAL	04/07/2022

PRELIMINARY NOT FOR CONSTRUCTION

APPROVED
FOR COMMANDER NAVFAC
ACTIVITY
SATISFACTORY TO DATE

DES	JMM	DRW	SA	CHK	PRG
PM/CM					LEAC
BRANCH MANAGER					—
CHIEF ENG/ARCH					EJA
FIRE PROTECTION					DSH

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - MID-ATLANTIC
9742 MAPLE STREET, BUILDING 1, NORFOLK, VA 23511-3095

NAVAL STATION NEWPORT — NEWPORT, RHODE ISLAND

NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION

BULKHEAD DETAILS 2 OF 2

SCALE AS NOTED
EPROJECT NO. 1562331
CONSTR. CONTR. NO.
NAVFAC DRAWING NO. —
SHEET — OF —

SB504

DRAWFORM REVISION 3.5 AUG 2020

8c

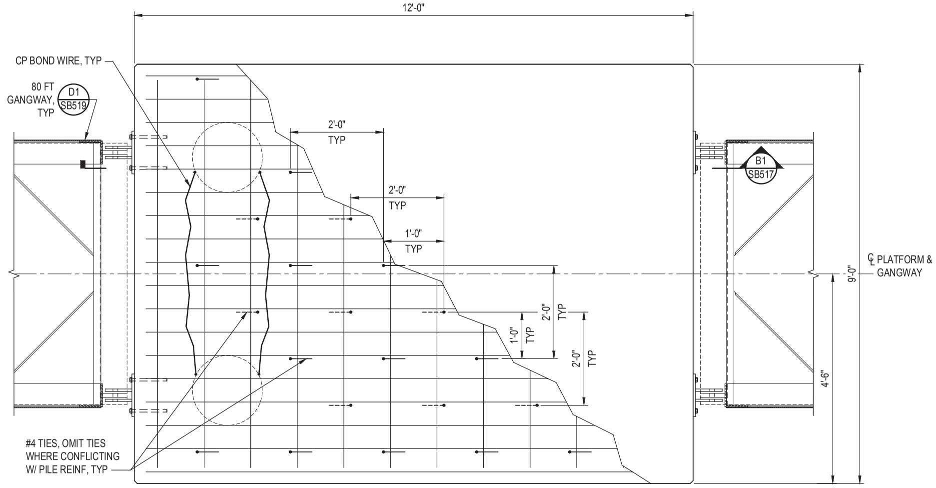
FILE NAME: G:\VDR\100000-14\cadd_Active_noaa omao relocation\VER-1562331--SB504.dwg LAYOUT NAME: BULKHEAD DETAILS 2 OF 2 PLOTTED: Thursday, March 31, 2022 - 1:02pm USER: acarson

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

Corps File Number: NAE-2022-01984
Date: November 18, 2022

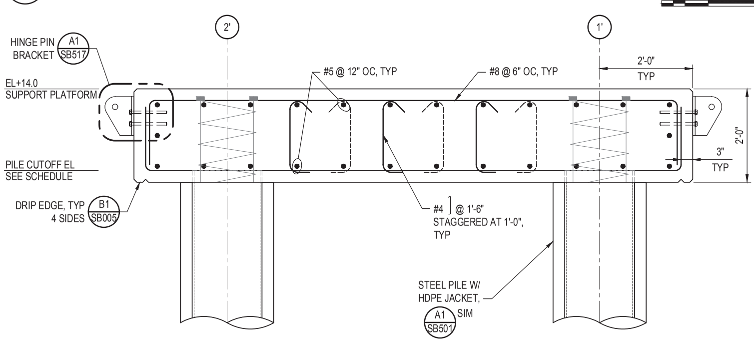
13 Sheets

US Army Corps of Engineers
New England District



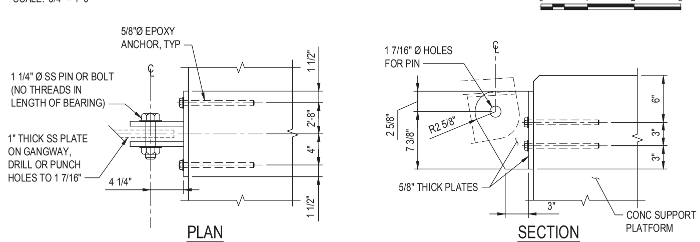
C1 GANGWAY SUPPORT PLATFORM PLAN

SCALE: 3/4" = 1'-0"



B1 GANGWAY SUPPORT PLATFORM SECTION

SCALE: 3/4" = 1'-0"



NOTE: VERIFY FIT TO GANGWAY BEFORE DETAILING AND FABRICATING.

A1 HINGE PIN BRACKET

SCALE: 1 1/2" = 1'-0"

ALL WORK THIS SHEET IS BID OPTION - FLOATING DOCK SYSTEM

9a

SYM	DESCRIPTION	DATE	APPR
B	100% PRE-FINAL SUBMITTAL	04/07/2022	
A	65% SUBMITTAL	10/15/2021	

NAVFAC

PRELIMINARY NOT FOR CONSTRUCTION

MN+ FMcD JointVenture

DES JMM | DRW SA | CHK PRG

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - MID-ATLANTIC
NAVAL STATION NEWPORT — NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
APRON AND SUPPORT PLATFORM DETAILS

SCALE: AS NOTED
EPROJECT NO.: 1562331
SHEET SB517

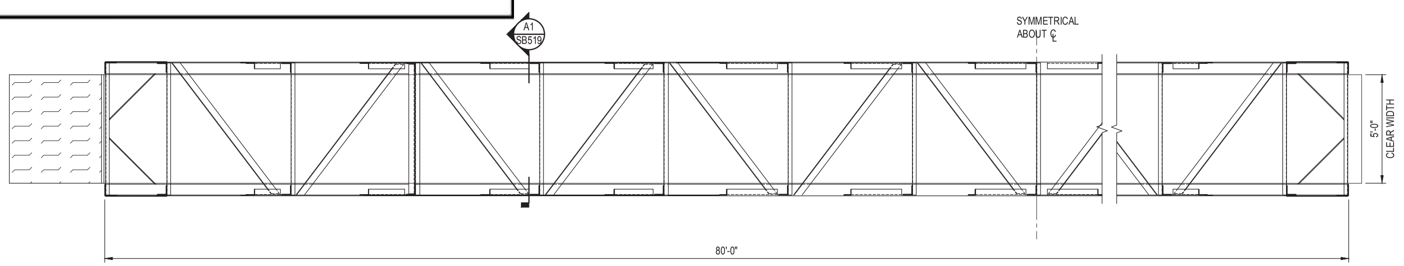
FILE NAME: Q:\NOR\10000-14\cadd_Active_noaa omao relocation\PER-1562331-SB517.dwg LAYOUT NAME: APRON AND SUPPORT PLATFORM DETAILS PLOTTED: Thursday, March 31, 2022 - 1:04pm USER: scorson

Relocation of NOAA Research Vessels,
Naval Station (NAVSTA) Newport, Rhode Island

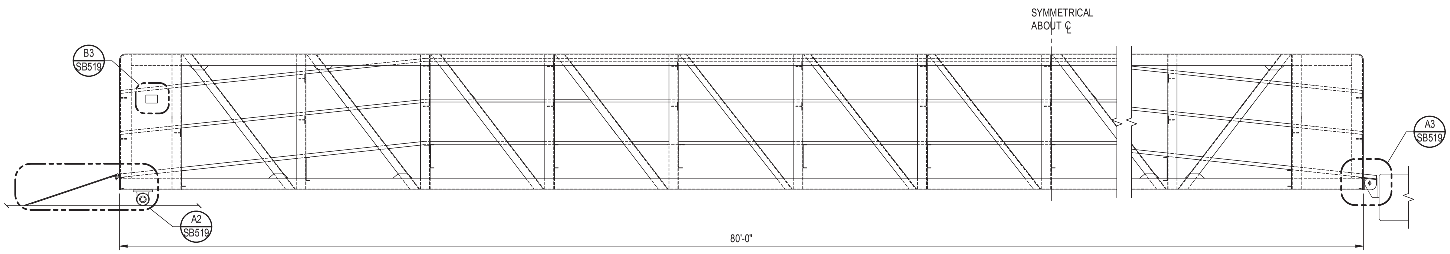
US Army Corps of Engineers
New England District

Corps File Number: NAE-2022-01984
Date: November 18, 2022

13 Sheets



D1 GANGWAY PLAN
SCALE: 3/8" = 1'-0"

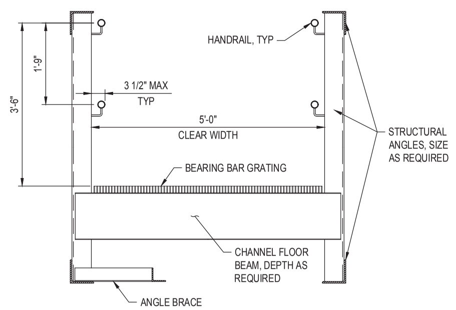


C1 GANGWAY ELEVATION
SCALE: 3/8" = 1'-0"

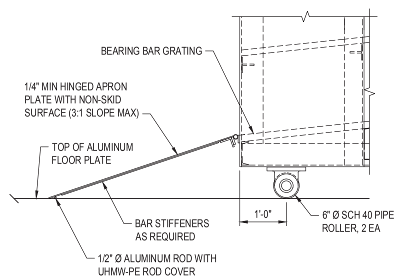
GANGWAY TYPE TRUSS
NAVFAC DRAWING NO. ____________
SIZE 5 FT WIDE - 80 FT LONG
M'F'G BY ____________
CONTRACT NO. ____________
TESTED TO 125 LB. PER SQUARE FOOT
DESIGN LIVE LOAD 100 LB. PER SQUARE FOOT
DATE BUILT ___
WEIGHT OF GANGWAY ___
UNITED STATES NAVY

1/4" PLATE
INFORMATION STAMPED BY USE OF STEEL LETTER AND FIGURE DIES 1/8" HIGH
6"
4 1/8"

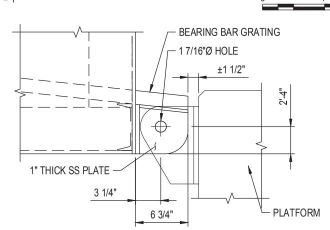
B3 GANGWAY NAME PLATE
SCALE: 1" = 1"



A1 SECTION - GANGWAY
SCALE: 3/4" = 1'-0"



A2 DETAIL
SCALE: 3/4" = 1'-0"



A3 DETAIL
SCALE: 1 1/2" = 1'-0"

SHEET NOTES

1. DESIGN, FABRICATION, AND ERECTION MUST BE IN ACCORDANCE WITH THE ALUMINUM ASSOCIATION, INC. ALUMINUM DESIGN MANUAL (LATEST EDITION). THE DESIGN OF THE GANGWAY MUST BE IN ACCORDANCE WITH "PART I-A, SPECIFICATIONS FOR ALUMINUM STRUCTURES ALLOWABLE STRESS DESIGN" AND "PART II-A, COMMENTARY ON SPECIFICATIONS FOR ALUMINUM STRUCTURES ALLOWABLE STRESS DESIGN."
2. ALUMINUM EXTRUSIONS FOR GANGWAY MUST BE ALUMINUM ALLOY 6061-T6 EXTRUDED IN ACCORDANCE WITH THE REQUIREMENTS OF APPLICABLE SECTIONS OF THE FEDERAL SPECIFICATION QQ-A-200. ALUMINUM MUST BE SUITABLE FOR USE IN AN AGGRESSIVE MARINE ENVIRONMENT.
3. STAINLESS STEEL BOLTS AND ANCHOR BOLT MUST CONFORM TO ASTM F593, ALLOY GROUP 2 (TYPE 316). STAINLESS STEEL NUTS MUST CONFORM TO ASTM F594. WASHERS MUST BE OF THE SAME MATERIAL AND FINISH AS THE BOLTS AND NUTS TO WHICH APPLIED.
4. HOLES TO BE MADE IN ALUMINUM MUST BE DRILLED OR PUNCHED. FLAME CUTTING OR ENLARGEMENT OF HOLES MUST NOT BE PERMITTED.
5. FIELD CONNECTIONS MUSTS BE MADE WITH STAINLESS STEEL BOLTS UNLESS OTHERWISE NOTED. FIELD WELDING WILL BE PERMITTED ONLY WHEN SPECIFICALLY SHOWN ON THE APPROVED SHOP DRAWINGS.
6. WELDING MUST BE IN ACCORDANCE WITH THE AMERICAN WELDING SOCIETY (AWS) STRUCTURAL WELDING CODE - ALUMINUM, AWS D1.2. ALL SHOP CONNECTIONS MUST BE WELDED.
7. PRIOR TO WELDING, CERTIFICATION FOR EACH WELDER MUST BE SUBMITTED STATING THE TYPE OF WELDING AND POSITIONS QUALIFIED FOR, THE CODE AND PROCEDURE QUALIFIED UNDER, DATE QUALIFIED, AND THE FIRM AND INDIVIDUAL CERTIFYING THE QUALIFICATION TESTS.
8. SUBMIT SHOP DRAWINGS, DESIGN CALCULATIONS, MANUFACTURER'S CATALOG DATA, AND MATERIAL CERTIFICATES OF COMPLIANCE TO THE OWNER FOR REVIEW PRIOR TO THE PURCHASE OF MATERIALS AND START OF FABRICATION. CALCULATIONS MUST BE PREPARED AND SEALED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN THE STATE OF RHODE ISLAND.
9. GANGWAY MUST BE DESIGNED TO SUPPORT A UNIFORM LIVE LOAD OF 100 PSF AND A NONCONCURRENT CONCENTRATED LIVE LOAD OF 250 POUNDS, DISTRIBUTED OVER AN AREA OF TWO SQUARE FEET, PLATED ANYWHERE IN THE SPAN. ALLOWABLE DEFLECTION MUST BE A MAXIMUM OF L/240 WHERE "L" IS THE LENGTH OF THE GANGWAY.
10. THE DESIGN OF THE RAILING MUST BE IN ACCORDANCE WITH THE GOVERNING BUILDING CODE.
11. DECKING MUST BE PROVIDED WITH A NONSKID WALKING SURFACE.
12. THE DETAILS SHOWN ON THIS SHEET ARE PROVIDED TO INDICATE THE GENERAL INTENT OF THE GANGWAY. THE ACTUAL GANGWAY FURNISHED AND INSTALLED MUST BE IN ACCORDANCE WIT THE APPROVED SHOP DRAWINGS AND DESIGN DATA AS PROVIDED AND SUBMITTED BY THE GANGWAY SUPPLIER/FABRICATOR.
13. MINIMUM GANGWAY FEATURES SHOWN. MANUFACTURER MUST SUBMIT FINAL DRAWINGS PER MIL-DTL-22342E OR FINAL STAMPED CALCULATIONS AND DRAWINGS PER PROJECT SPECIFICATIONS.

ALL WORK THIS SHEET IS BID OPTION - FLOATING DOCK SYSTEM

9b

SYM	DESCRIPTION	DATE	APPR
A	100% PRE-FINAL SUBMITTAL	04/07/2022	

PRELIMINARY NOT FOR CONSTRUCTION

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND - MID-ATLANTIC
NAVAL STATION NORFOLK - NORFOLK, VA
NAVAL STATION NEWPORT
NEWPORT, RHODE ISLAND
NOAA OMAO SHIP & SUPPORT FACILITY RELOCATION
GANGWAY DETAILS

DES JMM DRW SA CHK PRG
SCALE: AS NOTED
EPROJECT NO.: 1562331
SHEET SB519

US Army Corps of Engineers ®
New England District

WORK-START NOTIFICATION FORM

(Minimum Notice: Two weeks before work begins)

****

EMAIL TO: Daniel.B.Breen@usace.army.mil and cenae-r@usace.army.mil; or

MAIL TO: **Daniel Breen**
Regulatory Division
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, Massachusetts 01742-2751

****

Corps of Engineers Permit No. **NAE-2022-01984** was issued to the **United States Navy**. This work is located in Coddington Cove at Naval Station Newport and authorized the construction of a 587-foot by 62-foot, four-berth pier with a 506-foot by 28-foot trestle; a 66-foot by 20-foot small boat floating dock with two gangway segments; and a 728-foot long concrete bulkhead that will be installed approximately 30 inches in front of an existing bulkhead, with 2,411 square feet in between the new and existing bulkheads filled with 892 cubic yards of gravel.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

_____

_____

Phone & email: (___) _____ (___) _____ _____

Proposed Work Dates: **Start:** _____ **Finish:** _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: _____ **Date Permit Expires:** _____

****

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ **Submittals Required:** _____

Inspection Recommendation: _____

Effective Date: May 6, 2022

Expiration Date: May 6, 2027

DEPARTMENT OF THE ARMY
GENERAL PERMITS FOR THE STATE OF RHODE ISLAND AND LANDS LOCATED WITHIN THE BOUNDARIES OF THE NARRAGANSETT LAND CLAIM SETTLEMENT AREA

The New England District of the U.S. Army Corps of Engineers (USACE) hereby issues 21 general permits (GPs) consisting of 10 Regional General Permits (RGPs), 7 Programmatic General Permits (PGPs), and 4 PGP/RGPs, collectively hereafter referred to as GPs, listed in Section III, for activities subject to USACE jurisdiction in waters of the United States (U.S.) and navigable waters of the U.S. within the boundaries of the State of Rhode Island, adjacent ocean waters to the seaward limit of the outer continental shelf, and lands located within the boundaries of the Narragansett Land Claim Settlement Area. These GPs are issued in accordance with USACE regulations at 33 CFR 320 – 332 [see 33 CFR 325.5I] and authorize activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative environmental impacts while providing protection to the aquatic environment and the public interest.

For activities to qualify for these GPs, they must meet the terms, eligibility criteria and stipulations for one or more of the Rhode Island General Permits as listed in Section III – General Permits. The activities must also comply with the General Conditions in Section IV, and any special conditions included in verification letters that are deemed necessary to protect aquatic resources.

Under these GPs, projects may qualify for the following (see Section III for eligibility criteria):

- Self-Verification (SV): activity is presumed to have no more than minimal impacts and therefore does not require a permit review from USACE. Some activities may require submission of a Self-Verification Notification Form (SVNF) to USACE.
- Pre-Construction Notification (PCN): activities that are not eligible for SV require activity-

specific review to determine eligibility for authorization under one or more GPs.

If the proposed activity does not qualify for GP authorization, USACE will inform the applicant and advise them on the process for seeking an Individual Permit. The thresholds for activities eligible for SV and PCN are stated in Section III. A number of terms and conditions can be found throughout the GP, including the General Conditions in Section IV, which apply to all projects.

These GPs do not affect the USACE Individual Permit review process or activities exempt from USACE regulation. The USACE does not intend to exclude projects from utilizing the SV process where consultation under Section 7 of the Endangered Species Act, the Magnuson-Stevens Act (Essential Fish Habitat), or Section 106 of the National Historic Preservation Act is required and completed by another lead Federal agency; provided the scope of those actions sufficiently encompass the USACE Regulatory action.

Review Processes for the GPs:

Of the 21 general permits, there are 10 RGPs, 7 PGPs, and 4 PGP/RGPs. Activities qualifying for PGPs occur exclusively within CRMC's jurisdiction – tidal, coastal, and navigable waters, while RGPs occur within RIDEM's jurisdiction – non-tidal, tidal, coastal, and navigable waters.

The 10 RGPs are GPs 6, 8, 9, 10, 12, 13, 16, 18, 19, and 21. Activities authorized under these RGPs require notice to USACE. Proponents of activities authorized under these 10 RGPs must provide notice to USACE, either by submission of a SVNF for activities that qualify for SV, or through PCN and receipt of a verification letter from USACE for activities requiring PCN.

The 7 PGPs are GPs 1, 3, 4, 5, 7, 11, and 20. Programmatic permits (PGPs) are a type of general permit founded on an existing state, local, or other Federal agency program and designed to avoid duplication with that program. These 7 PGPs are founded on the existing RI Coastal Resources Management Council (CRMC) wetland program. Activities authorized under these 7 PGPs that are (1) eligible for SV **and** (2) reviewed at the state level by CRMC do not require any notification to the USACE. If these two conditions are met, project proponents do not need to submit a SVNF to the USACE. A project proponent must still receive written approval from CRMC for activities authorized under this process before commencing work. CRMC will insert appropriate language in the authorization to notify the applicant that CRMC's authorization is also verification of authorization under the RI GP provided the proponent complies with the GP's conditions. Activities eligible under PCN will require a verification letter from USACE.

The 4 PGP/RGPs are GPs 2, 14, 15, and 17. These activities will be reviewed as a PGP when CRMC is the reviewing state agency and a RGP when RIDEM is the reviewing state agency.

All general permits are subject to the following:

- **Discretionary Authority**: Notwithstanding compliance with the terms and conditions of these permits, the Corps retains discretionary authority to require a 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 USACE determines that the potential consequences of the proposal warrant IP

review. This authority may be invoked for projects with cumulative adverse environmental effects that are more than minimal, or if there is a special resource or concern associated with a particular project. Whenever USACE notifies an applicant that an IP may be required, authorization under these GPs is voided and no work may be conducted until a USACE IP is obtained.

- **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work;

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

Tammy R. Turley

May 06, 2022

Tammy R. Turley
Chief, Regulatory Division

Date

SECTION I

STATUTORY AUTHORITY AND REGULATED ACTIVITIES

A. JURISDICTION:

Applicability of these General Permits shall be evaluated with reference to Federal jurisdictional boundaries. Activities shall be evaluated with reference to "navigable waters of the United States" under §10 of the Rivers and Harbors Act of 1899 (33 CFR 329) and "waters of the United States" under the Clean Water Act (waters of the U.S., pursuant to 33 CFR 328.3). Applicants are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at 33 CFR 328-329.

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

a. Section 10: The construction of any structure in, over or under any navigable water of the United States[1], 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 (33 CFR 320.2(b)). USACE regulates these activities under §10 of the Rivers and Harbors Act of 1899 (33 USC 403). Referred to as Section 10. (33 CFR Part 322);

b. Section 404: The discharge of dredged or fill material into the waters of the United States (33 CFR 320.2(f)). USACE regulates these activities under §404 of the Clean Water Act (33 USC 1344) (CWA). Referred to as Section 404. (33 CFR Part 323); and

2. Authority to issue General Permits

In carrying out his functions relating to the discharge of dredged or fill material under this section, the Secretary may, after notice and opportunity for public hearing, issue general permits on a State, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material if the Secretary determines that the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment. (33 USC 1344(e))

3. Related laws:

Including but not limited to: 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 as amended, Section 302 of the Marine Protection, Research and Sanctuaries Act of 1972 as amended, Section 106 of the National Historic Preservation Act of 1966, The National Environmental Policy Act of 1969, Section 7 of the Endangered Species Act, the Fish and Wildlife Coordination Act of 1956, the Magnuson-Stevens Fishery Conservation and Management Act, and Section 7(a) of the Wild and Scenic Rivers Act. (33 CFR 320.3)

[1] The terms "navigable waters of the U.S." and "waters of the U.S." are used frequently throughout this document and it is important that the reader understand these terms, which are defined in Section IV.

B. GENERAL CRITERIA

1. In order for activities to qualify under these GPs, they must meet the terms and conditions of this document, including the eligibility criteria listed in Section III – General Permits, and the General Conditions (GCs) listed in Section IV.

Applicants shall review:

a. Paragraph A of this section to determine if the activity requires Corps authorization.

b. Section III to determine if the activity is eligible for authorization under these GPs, and specifically whether it is eligible for SV, or whether a PCN is required.

c. Section IV to determine if the activity meets all of the applicable General Conditions.

2. Under these GPs, activities may qualify for the following:

a. SELF-VERIFICATION (SV): Some activities may require notification to USACE at least two weeks before work commences (see Section III); USACE will NOT acknowledge receipt and GP eligibility of the SV activity in writing.

b. PRE-CONSTRUCTION NOTIFICATION (PCN): Notification to and a verification letter from USACE is required. *No work under PCN may proceed until written verification from USACE is received.*

The thresholds for activities eligible for SV and PCN are defined in the Rhode Island General Permits in Section III.

3. Projects that are not authorized by these GPs may require an Individual Permit (IP) (33 CFR 325.5(b)) and the applicant must submit an application directly to USACE. These GPs do not affect USACE's IP review process or activities exempt from Corps permit requirements. USACE retains discretionary authority on a case-by-case basis to elevate an SV to PCN or IP, or a PCN to IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever USACE notifies an applicant that a PCN or IP is required, no work in Corps jurisdiction may be conducted until USACE issues the required authorization in writing indicating that work may proceed. (See Sections II.A and II.B for additional information about procedures for IPs).

4. Applicants are encouraged to contact USACE with questions at any time (see Section V). Pre-application meetings, whether arranged by USACE or requested by an applicant, are encouraged to facilitate the review of projects. Pre-application meetings and/or site visits help streamline the authorization process by alerting the applicant to potentially time-consuming factors 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 of contaminated sediments).

5. Applicants shall ensure compliance with all applicable GCs in Section IV and GPs in Section III and any special conditions included in USACE verification letters that are deemed necessary to protect aquatic resources. Noncompliance with these GPs and GCs may subject the applicant to criminal, civil, or administrative criminal penalties, and/or an ordered restoration, and/or the permit may be modified, suspended or revoked by USACE.

USACE will consider any activity requiring Corps authorization to be unauthorized if that activity is under construction or completed and does not comply with all permit terms and conditions.

C. DETERMINATION OF MINIMAL ADVERSE ENVIRONMENTAL EFFECTS

To be eligible and subsequently authorized by these GPs, an activity shall result in no more than minimal adverse effects[2] on the aquatic environment as determined by USACE 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.

Determination that activities will not cause more than minimal adverse environmental effects includes consideration of direct, secondary and cumulative impacts as specified in Section (404(b)1) of the Clean Water Act (referred to as the (404(b)1) guidelines). Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not considered when calculating the impact area.

1. Permanent and Temporary Impacts

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

Temporary impacts include, but are not limited to, waters of the U.S. that are temporarily filled, flooded, excavated, or drained because of the regulated activity. Temporary impacts are usually associated with construction activities and often involve the placement of cofferdams and construction mats. These fills are removed when construction is completed. Pilings and associated structures do not ordinarily constitute a discharge of fill material.

2. Discharge of Dredged or Fill Material (404)

Dredged material & discharge of dredged material: These are defined at 33 CFR 323.2(c) and (d). The term *discharge of dredged material* means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. The term *dredged material* means material that is excavated or dredged from waters of the United States.

Fill material & discharge of fill material: These are defined at 33 CFR 323.2(e) and (f). The term *discharge of fill material* means the addition of fill material into waters of the United States. The term *fill material* means material placed in waters of the United States where the material has the effect of: (i) Replacing any portion of a water of the United States with dry land; or (ii) Changing the bottom elevation of any portion of a water of the United States.

[2] The terms "effects" and "impacts" are used interchangeably. See, e.g., definition of "impact" in the 2008 Mitigation Rule: "'Impact' means adverse effect." 40 CFR 230.92.

3. Direct and Secondary (Indirect) Impacts (404(b)1)

Direct Effects: Effects that are caused by the activity 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. (40 CFR 230.11(h)(1))

4. Cumulative Impacts

Cumulative Impacts: Cumulative impacts are the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. 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. (40 CFR 230.11(g)(1))

D. ELIGIBLE ACTIVITIES AUTHORIZED BY THESE RHODE ISLAND GENERAL PERMITS

An activity is authorized under General Permits 1 through 21 (listed in Section III) only if that activity and the applicant satisfy all of the GPs terms and conditions. In order for activities to qualify for these GPs, they must comply with all applicable GP eligibility criteria (see Section III) and general conditions (see Section IV). Prospective applicants are advised to contact USACE for specific eligibility determination.

Some Rhode Island General Permits are issued as Regional General Permits and some are issued as Programmatic General Permits. Applicants should consult Section II (Review Procedures) to determine whether the activity is authorized under an RGP or a PGP. (33 CFR 325.5(c))

1. Regional General Permits (RGP) - 33 CFR 325.5(c)

Regional permits are a type of general permit. They may be issued by a division or district engineer after compliance with the other procedures of this regulation. If the public interest so requires, the issuing authority may condition the regional permit to require a case-by-case reporting and acknowledgment system. However, no separate applications or other authorization documents will be required.

The following GPs are Regional General Permits:

- GP 6: Utilities including lines, outfall and intake structures and appurtenant features
- GP 8: Discharges of dredged or fill material incidental to the construction of bridges
- GP 9: New shoreline and bank stabilization projects and Living Shorelines
- GP 10: Aquatic habitat restoration, establishment, and enhancement activities
- GP 12: Oil spill and hazardous material response operations
- GP 13: Cleanup of hazardous and toxic waste and removal of contaminated soil
- GP 16: New and expansion of recreational, residential, institutional, and commercial developments

- GP 18: Wetland crossings for linear transportation projects
- GP 19: Stream river and brook crossings (not including wetland crossings)
- GP 21: Temporary fill not associated with a regulated General Permit activity

2. Programmatic General Permits (PGP)

Programmatic permits. Programmatic permits are a type of general permit founded on an existing state, local or other Federal agency program and designed to avoid duplication with that program.

The following GPs are Programmatic General Permits:

- GP 1: Aids to navigation & temporary recreational structures
- GP 3: Moorings
- GP 4: Pile-supported structures & floats, including boat lifts/hoists & other miscellaneous structures & work
- GP 5: Boat ramps and marine railways
- GP 7: Dredging, disposal of dredged material, beach nourishment & rock removal and rock relocation
- GP 11: Fish and wildlife harvesting activities
- GP 20: Aquaculture & Mariculture Activities

The following GPs are PGPs when state review is performed by CRMC and RGPs when state review is performed by RIDEM:

- GP 2: Repair or maintenance of existing currently serviceable, authorized, or grandfathered structures & fills and removal of structures
- GP 14: Scientific measurement and monitoring devices
- GP 15: Survey and exploratory survey activities
- GP 17: Energy generation and renewable energy facilities and hydropower projects

SECTION II.A

REVIEW CATEGORIES AND APPLICATION PROCEDURES FOR ACTIVITIES WITHIN NON-TIDAL WATERS

ACTIVITIES COVERED: This section covers activities resulting in the discharge of dredged or fill material into **non-tidal waters of the U.S.** which are regulated under Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344).

Waters of the U.S. (Section 404 waters): The term *waters of the United States* applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act. Waters of the U.S. are defined in 33 CFR 328.3. Contact the Corps for questions regarding jurisdiction.

Non-Tidal Waters: Wetlands, tributaries, lakes, and other bodies of water that are not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

A. REVIEW PROCESS:

1. State and Local Approvals:

a. Water Quality Certification: In order for authorizations under these GPs to be valid and before commencing any work within USACE jurisdiction, Section 401(a)(1) of the Clean Water Act (33 USC Sec. 1341) requires that applicants obtain a Water Quality Certification (WQC) or waiver from the state water pollution control agency to discharge dredged or fill material into waters of the U.S. The RIDEM - Office of Water Resources - Water Quality Certification Program (RIDEM–OWR-WQC) is the state water pollution control agency in Rhode Island. The RIDEM–OWR-WQC has conditionally granted WQC for all activities authorized under these RI GPs provided those activities meet the criteria as contained in these GPs. (Note: Projects that require an Individual Permit will also require an individual 401 Water Quality Certification (WQC) from RIDEM–OWR-WQC.)

b. RIDEM approval: Applicants must apply to the RIDEM, Office of Water Resources, Freshwater Wetlands Program (RIDEM-OWR-FWP). Any permit issued by RIDEM-OWR-FWP may act as the WQC in accordance with Rule 1.15.A.3.d. of the RI Water Quality Regulations, 250-RICR-150-05-1

c. CRMC approval: The work may also need approval from the Coastal Resources Management Council (CRMC) pursuant to its jurisdiction over freshwater wetlands in the vicinity of the coast, as well as any local approvals, as applicable (General Condition 1)

2. Self-Verification Review Category

a. Notification: An application to USACE is not required. However, prospective permittees shall confirm that the activity meets all the applicable terms and conditions for self-verification (SV). The applicant must submit a Self-Verification Notification Form (SVNF) and required accompanying materials to USACE in accordance with Section 2(c) below, at least two weeks prior to commencement of work authorized by these GPs. A copy of the SVNF is in

Section IX. By submitting the SVNF, you are self-verifying that your project meets the terms and conditions of the applicable GPs.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria are eligible under SV of this GP if they:

- Are subject to USACE jurisdiction (Section I, paragraph A);
- Meet the SV criteria in Section III - General Permits;
- Meet the requirements of the applicable GCs in Section IV;
- Meet all other applicable terms and conditions of these GPs; and
- Result in no more than minimal impacts to the aquatic environment.

Project proponents seeking authorization under these GPs by qualifying for SV must comply with all GCs and other relevant federal laws such as the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Consequently, applicant information submittals to USACE and outside experts such as the Rhode Island Historical Preservation and Heritage Commission (HPHC), the Narragansett Indian Tribe (NIT) and the National Park Service (Section VIII), are required for SV eligible activities when there is a likelihood of the presence of resources of concern and the proposed work has the potential to affect these resources. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements for both SV and PCN review.

c. How to Obtain Self-Verification Verification: Applicants must:

(1) Confirm that the activity meets all the applicable SV eligibility criteria, terms and conditions stated in 2(b) above;

(2) Confirm that the activity will have no effect on historic or tribal resources. See GC 11 and Section VIII for procedure.

(3) Obtain an Official Species List of federally threatened and endangered species that may occur in the activity's action area. See GC 8 and see Section VIII for procedure; and

(4) Confirm that the activity will have no effect on Essential Fish Habitat. See Section VIII for procedure.

(5) Submit the SVNF and its required accompanying materials (Section IX) to USACE at least two-weeks prior to start of project construction. Digital submittals by email are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy. See https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence for information about our electronic submittal process.

Email: cenae-r-ri@usace.army.mil

Mail: Regulatory Division - Branch B, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

3. PCN Review Category

a. Notification: An application to and written verification from the USACE is required for all activities that are not eligible for SV or when it is stated that a PCN is required. No work requiring a PCN may proceed until written verification from USACE has been received.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria may be eligible for authorization under these GPs:

- Are subject to USACE jurisdiction (Section I, paragraph A);
- Meet the criteria of PCN in Section III – General Permits;
- Meet the requirements of the applicable GCs in Section IV;
- Meet all other applicable terms and conditions of these GPs; and
- Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of Federal and State resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal.

c. Applying for authorization through the PCN process: Applicants must submit a PCN to USACE. Digital submittals by email are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy. See *https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence* for information about our electronic submittal process. USACE staff will notify you if a paper copy or large-scale drawings are required for the evaluation.

Email: cenae-r-ri@usace.army.mil

Mail: Regulatory Division - Branch B, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

4. For Regional General Permits (2, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21): For projects qualifying for SV, submit the SVNF and its required accompanying materials (see Section IX) to USACE at least two-weeks prior to start of project construction, except for GPs 12 and 13. For GPs 12 and 13, an SVNF can be submitted no later than 2 weeks after the start of the project. For projects qualifying for PCN, follow the process outlined above in paragraph 3.

5. Emergency Procedures: Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures." Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an Individual Permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to submittal of an

application. Where an application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

6. Individual Permit Procedures: Work that is **NOT** eligible for authorization under the GPs as defined in Section III – General Permits and applicable GCs, or that does not meet the applicable terms and conditions of the GPs, will require review under USACE Individual Permit procedures (33 CFR 325.1). Applicants shall submit the appropriate application materials to USACE. General information and the application form can be obtained at *http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainaPermit.aspx.*

SECTION II.B

REVIEW CATEGORIES AND APPLICATION PROCEDURES FOR ACTIVITIES WITHIN TIDAL, COASTAL, AND NAVIGABLE WATERS

A. ACTIVITIES COVERED

This section covers activities resulting in the discharge of dredged or fill material into **tidal waters of the U.S.** which are regulated under Section 404 of the Clean Water Act (CWA) (33 USC 1344); work and structures that are located in, under or over any **navigable water of the U.S.** which are regulated under Section 10 of the Rivers and Harbors Act (33 USC 403).

Navigable Waters of the U.S. (Section 10 waters): The term *navigable waters of the U.S.* defines USACE authority as described by 33 CFR Part 329. Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. This definition does not apply to authorities under the Clean Water Act (33 CFR 329.1).

Waters of the U.S. (Section 404 waters): The term *waters of the United States* applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act. Waters of the U.S. are defined in 33 CFR 328.3. Contact the Corps for questions regarding jurisdiction.

Tidal Waters: A *tidal* wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line

B. REVIEW PROCESS:

1. State/Local approvals:

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

a. Coastal Zone Management (CZM): Section 307 of the Coastal Zone Management Act of 1972, as amended, requires applicants to obtain a permit, federal consistency certification or waiver from CRMC that the activity complies with the state's CZM program for activities affecting the state's coastal area. The CRMC has conditionally granted CZM Consistency for all activities authorized under these RI GPs provided those activities meet the criteria as contained in these General Permits. (Note: Projects that require an IP will also require an individual CZM Consistency Certificate from the CRMC).

b. CRMC approval: The work may also need approval from the Coastal Resources Management Council (CRMC) pursuant to its jurisdiction over freshwater wetlands in the vicinity of the coast, as well as any local approvals, as applicable (General Condition 1)

2. Self-Verification Review Category

a. Notification: An application to USACE is not required. However, prospective permittees shall confirm that the activity meets all the applicable terms and conditions for self-verification (SV). The applicant must submit a Self-Verification Notification Form (SVNF) and required accompanying materials to USACE in accordance with Section 2(c) below, at least two weeks prior to commencement of work authorized by these GPs **unless otherwise specified (See below.)** A copy of the SVNF is in Section IX. By submitting the SVNF, you are self-verifying that your project meets the terms and conditions of the applicable GPs

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria are eligible under SV of this GP if they:

- Are subject to USACE jurisdiction (Section I paragraph A);
- Meet the SV criteria in Section III - General Permits;
- Meet the requirements of the applicable GCs in Section IV;
- Meet all other applicable terms and conditions of these GPs; and
- Result in no more than minimal impacts to the aquatic environment.

Project proponents seeking authorization under these GPs by qualifying for SV must comply with all GCs and other relevant federal laws such as the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Consequently, applicant information submittals to USACE and outside experts such as the Rhode Island Historical Preservation and Heritage Commission (HPHC), the Narragansett Indian Tribe (NIT) and the National Park Service (see Section VIII), are required for SV eligible activities when there is a likelihood of the presence of resources of concern and the proposed work has the potential to affect these resources. Federal agencies should follow their own procedures for complying with the above requirements and shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements for both SV and PCN review.

c. How to Obtain Self-Verification Verification: Applicants must:

(1) Confirm that the activity meets all the applicable SV eligibility criteria, terms and conditions stated in 2(b) above;

(2) Confirm that the activity will have no effect on historic or tribal resources. See GC 11 and Section VIII for procedure.

(3) Obtain an Official Species List of federally threatened and endangered species that may occur in the activity's action area. See GC 8 and see Section VIII for procedure; and

(4) Confirm that the activity will have no effect on Essential Fish Habitat. See Section VIII for procedure.

3. PCN Review Category

a. Notification: An application to and written verification from the USACE is required for all activities that are not eligible for SV or when it is stated that a PCN is required. No work requiring a PCN may proceed until written verification from USACE has been received.

b. Eligibility Criteria: Activities in Rhode Island and tribal lands that meet the following criteria may be eligible for authorization under these GPs:

- Are subject to USACE jurisdiction (Section I paragraph A);
- Meet the criteria of PCN in Section III – General Permits;
- Meet the requirements of the applicable GCs in Section IV;
- Meet all other applicable terms and conditions of these GPs; and
- Result in no more than minimal impacts to the aquatic environment, as determined by USACE in conjunction with the interagency review team which consists of Federal and State resource agencies. In some instances, this may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal; and

c. Applying for authorization through the PCN process: Applicants must submit a PCN to USACE. Digital submittals by email are strongly encouraged. Please communicate with USACE staff if you are unable to provide a digital copy. See *https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence* for information about our electronic submittal process. USACE staff will notify you if a paper copy or large-scale drawings are required for the evaluation.

Email: cenae-r-ri@usace.army.mil

Mail: Regulatory Division - Branch B, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

4. For Programmatic General Permits (1, 2, 3, 4, 5, 7, 11, 14, 15, 17, 20): Programmatic General Permits (PGPs) are non-reporting to USACE if they meet the requirements of SV and RI CRMC performs a review of the proposed work. If the CRMC issues a permit for the proposed work, CRMC will insert appropriate language in their authorization to notify the applicant that CRMC authorization is also their USACE authorization provided they comply with the GP's conditions. Written approval from CRMC giving joint state/federal authorization is required before work can commence. An SVNF is not required if the work is non-reporting. For projects qualifying for PCN, follow the process outlined above in paragraph 3.

a. IF RIDEM performs the review, follow the procedure for RGP in Section II A.

5. Emergency Procedures: Written authorization under these emergency procedures is required. Contact USACE immediately in the event of an emergency to obtain information on the verification process and coordination requirements. USACE regulation at 33 CFR 325.2(e)(4) states that an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures."

Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an individual permit shall be required. Upon notification, USACE will determine if a project qualifies for emergency procedures under the GPs and whether work may proceed prior to submittal of an application. Where an application is required, USACE staff will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

6. Individual Permit Procedures: Work that is **NOT** eligible for authorization under the GPs as defined in Section III – General Permits and applicable GCs, or that does not meet the applicable terms and conditions of the GPs, will require review under USACE individual permit procedures (see 33 CFR 325.1). Applicants shall submit the appropriate application materials to USACE. General information and the application form can be obtained at *http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainaPermit.aspx*.

Section III - GENERAL PERMITS FOR THE STATE OF RHODE ISLAND & TRIBAL LANDS

All Self-Verification and Pre-Construction Notification activities must comply with all applicable terms, general conditions, and any additional eligibility requirements below.

Section 10 of the Rivers and Harbors Act of 1899 (S10): A permit is required for all work, including structures, seaward of the mean high water (MHW) line in navigable waters of the U.S.

Section 404 of the Clean Water Act (S404): A permit is required for activities which involve the discharge of dredged or fill material into waters of the U.S. In coastal waters, USACE jurisdiction under S404 extends landward to the high tide line or the landward limit of any wetlands, whichever is more extensive. In inland waters, USACE jurisdiction extends landward to the ordinary high water (OHW) mark or the landward limit of any wetlands, whichever is more extensive.

GP #	Category of Activity
GP 1	Aids to navigation & temporary recreational structures (PGP)
GP 2	Repair or maintenance of existing currently serviceable, authorized, or grandfathered structures & fills and removal of structures (PGP, RGP)
GP 3	Moorings (PGP)
GP 4	Pile-supported structures & floats, including boat lifts/hoists & other miscellaneous structures & work (PGP)
GP 5	Boat ramps and marine railways (PGP)
GP 6	Utilities including lines, outfall and intake structures and appurtenant features (RGP)
GP 7	Dredging, disposal of dredged material, beach nourishment & rock removal and rock relocation (PGP)
GP 8	Discharges of dredged or fill material incidental to the construction of bridges (RGP)
GP 9	New shoreline and bank stabilization projects and Living Shorelines (RGP)
GP 10	Aquatic habitat restoration, establishment, and enhancement activities (RGP)
GP 11	Fish and wildlife harvesting activities (PGP)
GP 12	Oil spill and hazardous material response operations (RGP)
GP 13	Cleanup of hazardous and toxic waste and removal of contaminated soil (RGP)
GP 14	Scientific measurement and monitoring devices (PGP, RGP)
GP 15	Survey and exploratory survey activities (PGP, RGP)
GP 16	New and expansion of recreational, residential, institutional, and commercial developments (RGP)
GP 17	Energy generation and renewable energy facilities and hydropower projects (PGP, RGP)
GP 18	Wetland crossings for linear transportation projects (RGP)
GP 19	Stream river and brook crossings (not including wetland crossings) (RGP)
GP 20	Aquaculture & Mariculture Activities (PGP)
GP 21	Temporary fill not associated with a regulated General Permit activity (RGP)

GP 1. AIDS TO NAVIGATION & TEMPORARY RECREATIONAL STRUCTURES

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, chapter I, subchapter C, part 66). The installation of temporary buoys, markers, floats, or similar structures solely for recreational use or short-term events such as water-skiing competitions, fireworks display or seasonal swim floats.

See Section VI – Definitions: FNP = Federal Navigation Project. USCG = U.S. Coast Guard. SVNF = Self-Verification Notification Form.

Applies to: Section 10; navigable waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Aids to navigation/temporary structures in vegetated shallows. • Aids to navigation/temporary structures in USACE FNP. FNPs are comprised of federal channels, anchorages and turning basins. See the following for more information on the limits of these FNPs: https://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects/ • Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued. Eligible for SV (see below for SVNF requirements): • Aids to navigation and regulatory markers (both permanent and temporary) approved by the USCG that are not located within FNPs or vegetated shallows. • Temporary buoys, markers, floats, etc. for recreational use during specific seasonal or short-term events, provided they are not located within FNPs, are in place no longer than the defined seasonal timeframe and are removed within 30 days after use is discontinued. **An SVNF is not required if reviewed by CRMC.**	Eligible for PCN: • Aids to navigation/temporary structures in vegetated shallows. • Aids to navigation/temporary structures in FNPs. • Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued. Must be in accordance with USCG requirements.

GP 2. REPAIR OR MAINTENANCE OF EXISTING CURRENTLY SERVICEABLE, AUTHORIZED, OR GRANDFATHERED STRUCTURES & FILLS, AND REMOVAL OF STRUCTURES

Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction technique requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Includes removal of structures and fill and accumulated sediment/debris. Stream, river, brook, or other tributary crossings are not eligible under GP 2 (GP 19). Maintenance dredging, beach nourishment or beach restoration are not eligible under GP 2 (GP 7).

See Section VI – Definitions: SAS = Special Aquatic Sites. USCG = U.S. Coast Guard. SF = Square Feet. SVNF = Self-Verification Notification Form.

Applies to: Section 10 & 404; tidal and non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent or temporary impacts in tidal waters, except activities listed below as eligible. • Permanent and temporary impacts in SAS other than non-tidal wetlands. • Slip lining or culvert relining. • Additional riprap beyond the existing, previously authorized footprint. • Unconfined work in streams with diadromous fish occurring between March 1 and June 30. • Unconfined fill in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon including designated critical habitat, foraging, and overwintering areas. Eligible for SV (see below for SVNF requirements): • Permanent impacts ≤1,000 SF in non-tidal waters, including wetlands. • Temporary impacts ≤ 5,000 SF in non-tidal waters, including wetlands. • Bulkhead replacement in tidal and non-tidal waters via installation of new bulkhead within 18" of the existing bulkhead and associated backfill. • Pile supported structures reconstructed in the same footprint using the same materials, except steel piles installed using an impact hammer. • Drawdown of impoundment for dam/levee repair provided it does not exceed 18 months and one growing season (April through September). • Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. • Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary	Not eligible for PCN (individual permit required): • Permanent and temporary impacts > 5,000 SF in tidal and non-tidal waters. • Permanent and temporary impacts > 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts > 100 SF in tidal vegetated shallows. • New riprap fill that exceeds the minimum necessary to protect the existing fill/structure. Eligible for PCN: • Permanent and temporary impacts ≤ 5,000 SF in tidal and non-tidal waters. • Permanent and temporary impacts ≤ 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤ 100 SF in tidal vegetated shallows. • Additional riprap beyond the existing, previously authorized footprint. • Removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). • Removal of bridge structures subject to USCG jurisdiction are covered under GP 8, provided the USCG issues a bridge permit. • Any bank stabilization measures not directly associated with the structure requires a separate authorization under GP 9. • The removal of accumulated sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built but cannot extend farther than 200 feet in any direction from the structure. Excavated materials must be deposited and retained in an area that has no waters of the U.S. • Pile supported structures using steel piles installed using an impact hammer.

discharges, such as sandbag cofferdams, access fills, etc. are necessary for construction activities or dewatering of construction sites. • Temporary fills must consist of materials installed in a manner that will not be eroded by high flows. Materials must be removed in their entirety and affected areas returned to pre-construction elevations and must be re-vegetated as appropriate. • Work to previously approved tide gates with a USACE-approved operation and maintenance plan and tide gates not affecting the hydraulic regime. **An SVNF is not required if reviewed by CRMC.**	

Notes:
1. Removal of bridge structures in navigable waters are covered under GP 8, if the Coast Guard issues a bridge permit.
2. Stream, river, brook or other watercourse crossings are not eligible under GP 2 (GP 19).
3. Grandfather dates include work performed & structures installed before December 18, 1968 & fill placed before October 18, 1972.
4. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
5. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 3. MOORINGS

New private, non-commercial, non-rental, single-boat moorings & temporary moorings including moorings to facilitate construction or dredging; minor relocation of previously authorized moorings and mooring field expansions, boundary reconfigurations or modifications of previously authorized mooring fields and maintenance and replacement of moorings.

See Section VI – Definitions: FNP = Federal Navigation Project. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Section 10; navigable waters of the U.S

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • New moorings located in FNPs, including anchorages. • New moorings located in tidal SAS • New moorings located in shellfish beds. Eligible for SV (see below for SVNF requirements): • Private, non-commercial, non-rental, single-boat moorings as well as temporary moorings needed to facilitate construction or dredging. • Minor relocation of previously authorized moorings provided no impact to SAS or shellfish beds. • Must receive local harbormaster or municipal commission authorization. • Replacement of existing moorings within SAS with low impact mooring technology that prevents mooring chains from resting or dragging on the bottom substrate at all tides, helical anchors, or equivalent SAS protection systems. **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Moorings in Federal Navigation Channels Eligible for PCN: • New moorings, including expansion of existing mooring fields, that are associated with an existing or proposed boating facility. • Private moorings without harbormaster or local approval. • 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 Anchorage. The buffer zone is equal to 3 times the authorized depth of that channel. • New individual moorings in SAS, including vegetated shallows. Locating moorings in SAS should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides, helical anchors, or equivalent SAS protection systems, where practicable. USACE may require an eelgrass survey to document presence or absence of SAS to determine the appropriate type and amount of compensatory mitigation for impact to SAS. • Temporary and permanent impacts to tidal SAS (except tidal vegetated shallows) or intertidal habitats. • Temporary and permanent impacts to: (1) >100 SF of tidal vegetated shallows; or (2) ≤100 SF of tidal vegetated shallows if compensatory mitigation is not required.

Notes:

1. Locating new individual moorings in SAS, including vegetated shallows, should be avoided to the maximum extent practicable. If SAS cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems, where practicable. For moorings that appear to impact SAS, USACE may require an eelgrass survey.
2. Boating facilities provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.
3. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 4. PILE-SUPPORTED STRUCTURES & FLOATS, INCLUDING BOAT LIFTS/HOISTS & OTHER MISCELLANEOUS STRUCTURES & WORK

New, expansions, reconfigurations, or modifications of structures for navigation access including floats, stairs/pads, and boat/float lifts as well as other miscellaneous structures.

See Section VI – Definitions: FNP = Federal Navigation Project. MLW = Mean Low Water. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Section 10; navigable waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • New structures or floats associated with non-residential boating facilities. • Structures located over vegetated shallows, or within 25-feet of, vegetated shallows. • Structures located within a FNP channel or in the associated buffer zone (horizontal distance equal to three times the authorized FNP depth). • Wooden piles for a single and complete project > 25 piles. • Wooden piles > 12 inches in diameter. • New steel piles. • Structures or floats that extend across >25% of the waterway width at MLW. • Fill or excavation Eligible for SV (see below for SVNF requirements): • Private residential structures including lifts with a length limit not to exceed 75' beyond mean low water and limited to 4' in width. Structures shall have ≥1:1 height/width ratio over salt marsh. The height should be measured from the marsh substrate to the bottom of the longitudinal support beam. • Floats must be supported at least 18" above the intertidal and shallow sub-tidal substrate during all tide cycles. Float stops are acceptable. • Wooden piles for a single and complete project ≤ 25 piles. • Private boat lifts. • Letter of no objection from riparian property owner is required for new structures within 25 feet of riparian property line extensions. • Reconfiguration of existing authorized structures or new floating structures; provided those structures do not extend beyond the existing RI CRMC perimeter limits of the facility or encroach into SAS. No new steel piles. **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Permanent structures in a Federal Navigation Project channel or the associated buffer zone • New structures associated with an existing non-residential boating facility that are located beyond the existing RI CRMC perimeter limit of the facility. • Fill or excavation Eligible for PCN: • Wave attenuation structures and timber groins. • New pile-supported/fixed structures within an existing boating facility, provided those structures do not extend beyond the existing RI CRMC perimeter limit of the facility. • Structures that are located within 25 feet of riparian property line extensions unless the properties are owned by the same owner. If not, USACE may require a letter of no objection from the abutter(s).

Notes:
1. Boating Facility is defined as facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.
2. FNP buffer zone is the horizontal distance equal to three times the authorized FNP depth.

GP 5. BOAT RAMPS AND MARINE RAILWAYS

Activities required for the construction of boat ramps and marine railways, including excavation and fill.

See Section VI – Definitions: NOAA = National Oceanic and Atmospheric Administration. ESA = Endangered Species Act. SF = Square Feet. SVNF = Self-Verification Notification Form. SAS = Special Aquatic Sites.

Applies to: Sections 10 & 404; tidal and non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Boat ramps or marine railways in tidal waters. • Unconfined fill or excavation discharges in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon, including designated critical habitat, foraging, and overwintering areas. (GC 8) • Fill or excavation discharges in SAV or vegetated shallows. • Boat ramps located within 25 feet of riparian property line extensions unless the properties are owned by the same owner or a letter of no objection from the abutter is provided. • Work March 1 through June 30 in non-tidal waters that support diadromous fish species. • Dredging in navigable waters of the U.S. (see GP 7) Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤ 5,000 SF in non-tidal waters. • Ramps constructed in inland waters that support anadromous fish provided construction occurs during low (at or below the normal water elevation) or no-flow condition and/or behind a cofferdam between July 1 and March 1. The cofferdam shall be constructed of non-erodible materials (steel sheets, aqua barriers, or geotextile liner; earthen cofferdams are not permissible). **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1/2 acre of non-tidal waters and wetlands. • Permanent and temporary impacts >1/2 acre in tidal waters • Permanent and temporary impacts >1000 SF in tidal SAS (other than vegetated shallows). • Permanent and Temporary impacts >100 SF in tidal vegetated shallows. • Dredging in navigable waters of the U.S. (see GP 7) • Total combined impacts to tidal and non-tidal waters, wetlands, and other SAS exceeding ½ acre Eligible for PCN: • Permanent and temporary impacts ≤1/2 acre of non-tidal waters and wetlands. • Permanent and temporary impacts ≤1/2 acre in tidal waters. • Permanent and temporary impacts ≤1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤100 SF in tidal vegetated shallows. • Boat ramps located within 25 feet of an abutting riparian property line with a letter of no objection from the abutter(s).

Notes:

1. If boat ramps are located within 25 feet of a riparian property line and the property is not held by the same owner, USACE will require a letter of no objection from the abutter(s) or require an appropriate buffer if one is needed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 6. UTILITIES INCLUDING LINES, OUTFALL AND INTAKE STRUCTURES AND APPURTENANT FEATURES

Activities required for: (a) The construction, maintenance, relocation, repair, & removal of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for utility lines. This GP includes but is not limited to utility lines such as electric, water, oil, sewer, gas or cable; (b) The construction, maintenance or expansion of utility line substations and other appurtenant facilities associated with an electric line, gas line or other utility line in non-tidal waters; and (c) The construction and maintenance of foundations for overhead utility line towers, poles, and anchors provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where practicable, considering system reliability and other factors. This GP authorizes the construction of access roads to facilitate construction of the above activities provided the activity, in combination with all other activities included in one single and complete project, does not cause the permanent loss of greater than 1 acre of non-tidal waters of the U.S. (see Note below). Impacts resulting from mechanized pushing, dragging or other similar activities that redeposit excavated soil material shall be included in the area limit determination.

See Section VI – Definitions: NOAA = National Oceanic and Atmospheric Administration. ESA = Endangered Species Act. SF = Square Feet. SAS = Special Aquatic Sites.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Work in, over or under tidal waters. • Outfalls. • New riprap beyond the existing previously authorized footprint. • Fill in waterways identified as habitat for Atlantic sturgeon and shortnose sturgeon including designated critical habitat, foraging, and over-wintering areas. (GC 8) • Unconfined work or silt producing activities in streams with diadromous fish between March 1 and June 30. Eligible for SV (see below for SVNF requirements): • Cumulative permanent and temporary impacts of ≤5,000 SF of fill for each single and complete project (GC 2) provided none of the individual single and complete linear project impact areas exceed the threshold for the SV (≤5,000 SF). • Backfill of the trench over the pipe and to the ground surface shall occur with native materials, to the extent practicable for industry standard and may not facilitate wetland or waterway drainage below, or on the ground surface. Trench plugs shall be installed to prevent drainage of waters and wetlands. Topsoil depth should match the surrounding soil profile. • Activities may not intentionally or unintentionally impound waters, including wetlands. • For intake structures such as dry hydrants, if located within a stream, intake must be equipped with an appropriately sized mesh screen to prevent entrainment and the intake velocity must not exceed 0.5 foot-per-second to prevent impingement of aquatic organisms.	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1/2 acre of non-tidal waters and wetlands. • Permanent and temporary impacts >1/2 acre in tidal waters • Permanent and temporary impacts >1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts >100 SF in tidal vegetated shallows. • New tide gates that are not affiliated with a permitted stormwater discharge or authorized National Pollutant Discharge Elimination system. • Work that includes blasting. • Storage of equipment in wetlands. • Total combined impacts to tidal and non-tidal waters, wetlands, and other SAS exceeding ½ acre. Eligible for PCN: • Permanent and temporary impacts ≤1/2 acre of non-tidal waters and wetlands. • Permanent and temporary impacts ≤1/2 acre in tidal waters • Permanent and temporary impacts ≤1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤ 100 SF in tidal vegetated shallows. • Utility activities including excavation and trench backfill with impact to riffle and pools or vegetated shallows. • New outfalls and/or intakes. • New riprap armoring for utility-related structures and scour protection. • Temporary utility access roads for construction (GPs 18 and 19 for permanent maintenance access roads)

• Construction occurs during low (at or below the normal water elevation) or no-flow condition between July 1 and March 1 in streams with diadromous fish or work conducted behind a cofferdam at any time. The cofferdam shall be constructed of non-erodible materials (steel sheets, aqua barriers, sandbag, or geotextile liner; earthen cofferdams are not permissible). • Temporary fill, including fill for construction access roads, must be removed upon completion of work and the area shall be completely restored to pre-construction elevation and condition, and revegetated with native species as appropriate. • Pad/foundations are the minimum size necessary and are configured as a separate footing for each tower leg (rather than a larger single pad). • Impacts in waters or wetlands resulting from mechanized pushing or dragging, and temporary side cast of excavated material from trenches shall be figured into the <5,000 SF "single and complete" project category threshold. • No silt producing activities from March 1 through June 30 in non-tidal waters that support diadromous fish species. **SVNF submittal to USACE is required.**	• Streambed installation of utility lines or mains via open-cut trench excavation in flowing waters or dam and pump diversion. • Temporary fill, including fill for construction access roads, must be removed upon completion of work and the area shall be completely restored to pre-construction elevation and condition, and revegetated with native species as appropriate. • Pad/foundations are the minimum size necessary and is configured as a separate footing for each tower leg (rather than a larger single pad). • Impacts in waters or wetlands resulting from mechanized pushing or dragging, and temporary side cast of excavated material from trenches shall be figured into the 1/2 acre "single and complete" project category threshold. • Overhead utility lines constructed over Section 10 waters and submarine utility lines that are routed in or under such waters. • Stormwater outfalls. • New intake structures. • Trench excavation, bedding and backfill. • Staging of equipment in wetlands during construction.

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 7. DREDGING, DISPOSAL OF DREDGED MATERIAL, BEACH NOURISHMENT & ROCK REMOVAL AND ROCK RELOCATION

New, improvement and maintenance dredging (see note below) including: (a) Disposal of dredged material at a confined aquatic disposal cell, beach nourishment location, near shore site, open water site selected under Section 404 of the Clean Water Act pursuant to the 404(b)(1) Guidelines, , provided the dredged material meets the requirements for such disposal; (b) Beach nourishment not associated with dreding; and (c) Rock removal and relocation for navigation.

See Section VI – Definitions: HTL = High Tide Line. SF = Square Feet. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form. NOAA = National Oceanic and Atmospheric Administration.

Applies to: Sections 10, 404; tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)

Not eligible for SV (PCN or individual permit required):
• Beach nourishment and beach grading.
• Blasting and/or beach scraping.
• New dredging for the primary purpose of mining or borrowing sand for beach nourishment.
 	
Eligible for SV (see below for SVNF requirements):
• Maintenance dredging in tidal waters of any volume provided:
  o Upland disposal above the HTL.
  o Proper siltation controls used & maintained to prevent runback into waterways or wetlands.
  o No impacts to SAS or intertidal areas.
• Work occurs from October 1 through January 31.
• In tidal areas rock/boulder relocation with ≤200 SF of impacts and no impacts to SAS.
• Beach grooming or raking between November 1 and January 31.
 	
An SVNF is not required if reviewed by CRMC.
	Not eligible for PCN (Individual permit required):
	• New dredging (not previously authorized) with >1000 SF of impacts to intertidal areas or saltmarsh or >100 SF of impacts to vegetated shallows.
	• New dredging >100 SF in tidal vegetated shallows.
	• Maintenance dredging and/or disposal with >1/2 acre of impacts to tidal SAS other than tidal vegetated shallows.
	• New dredging for the primary purpose of mining or borrowing sand for beach nourishment.
	• Rock removal and relocation for navigation with impacts >1/2 acre in tidal waters.
	• Blasting and/or beach scraping.
	
	Eligible for PCN:
	• Maintenance dredging not eligible for SV; improvement dredging and new dredging.
	• Dredged material disposal, confined aquatic disposal cells (CAD cells), near-shore disposal or beach nourishment.
	• Beach nourishment and beach grading.
	• Rock removal mechanically or by blasting (see below for additional criteria).
	• For work that includes blasting, a blasting plan must be submitted and approved by USACE, CRMC and NOAA.

Notes:

1. Improvement is dredging to deeper depths in areas previously dredged or authorized.
2. Maintenance dredging includes areas and depths previously dredged after being authorized by USACE.

GP 8. DISCHARGES OF DREDGED OR FILL MATERIAL INCIDENTAL TO THE CONSTRUCTION OF BRIDGES

Discharges of dredged or fill material incidental to the construction, modification, or removal of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, approach fills, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. A USCG Authorization Act Exemption or a STURRA (144h) exemption do not constitute USCG authorization.

See Section VI – Definitions: SF = Square Feet. SVNF = Self-Verification Notification Form. SAS = Special Aquatic Sites. USCG = U.S. Coast Guard.

Applies to: Sections 10 & 404; navigable waters of the U.S.

GP 8 is not applicable to bridges over inland waters or wetlands that are not tidally influenced or regulated as navigable under Section 10 (33 CFR Part 329).

For projects that are not subject to USCG regulations see eligibility criteria for GPs 2, 18, or 19.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts > 5,000 SF of tidal and non-tidal waters. • Construction of causeways and approach fills. • Fill in SAS or shellfish beds. • Causeways Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤ 5,000 SF of tidal and non-tidal waters. • Permanent or temporary discharges of dredged or fill material incidental to the construction and/or modification of bridges. • Pier foundations. • Cofferdam and water handling facilities. • Bridges authorized by the USCG under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws including 2002 transfer of authorities to Secretary of Homeland Security under 6 U.S.C. 552(d). **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1 acre of tidal and non-tidal waters, including wetlands. • Causeways Eligible for PCN: • Permanent and temporary impacts ≤1 acre of tidal and non-tidal waters. • Permanent and temporary impacts ≤1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤100 SF in tidal vegetated shallows.

Notes:

1. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 9. NEW SHORELINE AND BANK STABILIZATION PROJECTS AND LIVING SHORELINES

Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Includes bulkheads, seawalls, riprap, revetments, or slope protection & similar structures, specifically for the purpose of shoreline protection. Also includes vegetative planting, soil bioengineering or alternative techniques that rely on a substantial biological component (e.g., fringe wetland, shellfish reef) or include discharges associated with planned shoreline retreat to maintain, restore, or enhance the natural continuity of the land-water interface and natural ecological processes. See GP 2 for replacement of existing bank stabilization structures or fills.

See Section VI – Definitions: SAS = Special Aquatic Sites. LF = Linear Feet. SF = Square Feet.

Applies to: Sections 10 & 404; tidal and non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Vertical stone structures or embankments angled steeper than 1V: 1H. • New bulkheads & retaining walls. • Fill beyond the toe of slope within the streambed other than necessary to secure the toe of slope. • Permanent fill within the streambed. • The use of grouted riprap, poured/unformed concrete/asphalt, or asphalt pieces. Discharges of fill material in SAS, including mud flats, tidal wetlands, vegetated shallows and/or shellfish beds. • Stream channelization or relocation Eligible for SV (see below for SVNF requirements): • Tidal and non-tidal shoreline & bank stabilization projects and other stream, river, or brook bank stabilization projects ≤ 200 LF (includes total for more than one stream bank). • Permanent and temporary impacts ≤ 5,000 SF in non-tidal waters. • Permanent fill is limited to 1 foot or less seaward of existing toe of bank. • Soft stabilization measures such as bioengineered fiber roll revetments or equivalent, shall be used whenever practicable. • After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. • Unconfined work, not including installation and removal of cofferdams, is limited to July 1 through October 31 in non-tidal waters. • Work occurring behind a cofferdam may occur at any time. **An SVNF submittal to USACE is required.**	Not eligible for PCN (individual permit required): • Shoreline & bank stabilization projects >500 LF in tidal and non-tidal waters, including wetlands. • Living shorelines >1,500 LF in tidal and non-tidal waters, including wetlands. • Permanent and temporary impacts >1,000 SF in SAS (other than vegetated shallows). • Permanent and temporary impacts >100 SF in tidal vegetated shallows. • New breakwaters, groins, and jetties. • Stream channelization or relocation Eligible for PCN: • Shoreline & bank stabilization projects ≤500 LF in tidal and non-tidal waters. • Living shorelines ≤1,500 LF in tidal and non-tidal waters.

Notes:

1. Impact lengths are calculated by totaling the linear feet of impacts to both banks, where applicable.

2. Living shorelines are a low-impact approach to shoreline protection that integrates natural coastal features to restore, enhance, maintain, or create natural coastal or riparian habitat, functions, and processes while also functioning to mitigate flooding or shoreline erosion.

3. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 10. AQUATIC HABITAT RESTORATION, ESTABLISHMENT AND ENHANCEMENT ACTIVITIES

Activities in waters of the U.S. associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal streams and associated wetlands for reestablishment of a natural stream morphology and reconnection of the floodplain; the restoration and enhancement of shellfish, finfish and wildlife; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities result in net increases in aquatic resource functions and services.

See Section VI – Definitions: SF = Square Feet. LF = Linear Feet. SAS = Special Aquatic Sites.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent & temporary impacts > 5,000 SF in non-tidal waters, including wetlands. • Permanent fill in, or conversion of, tidal wetlands. • Sediment placement to increase saltmarsh elevation to support saltmarsh vegetation (thin layer deposition). • Fill for purposes of converting marsh to upland. • New or improvement dredging (deepening) discharges (including side-casting of excavated material from ditching) to eliminate mosquito breeding habitat. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤5,000 SF in non-tidal waters, provided the activity is permitted by a state agency. • Maintenance and new ditching ≤ 100 LF in tidal and non-tidal wetlands to eliminate mosquito breeding habitat. • Placement of boulders clusters, woody debris clumps, log vanes or deflectors in waters for fish habitat restoration. • Saltmarsh management in tidal waters and wetlands for combined wetland enhancement, mosquito control and reduction which may include draining of ponded dieback areas through excavation of runnels and shallow creeks with handheld tools or low-impact ground equipment; blocking or unclogging of historic mosquito ditches to restore tidal flushing and to drain impounded water; new mosquito ditching of ≤100 LF; excavation of pools to support fish habitat and waterfowl foraging habitat; and placing excavated materials on the marsh surface to allow for salt marsh recolonization. • Placement of caged shellfish brood stock, seed shellfish, spatted-shell, cultch, or shellfish restoration materials in tidal waters for the restoration or enhancement of existing, publicly-managed, shellfish beds provided there is no placement in or impacts to SAS and does not result in degradation of habitat for other aquatic	Not eligible for PCN (individual permit required): • Conversion of wetland to open water. • New wildlife, waterfowl impoundments or fish ponds. • New tide gate installation. • Artificial reefs. • Permanent and temporary impacts >1/2 acre in tidal waters. • Permanent and temporary impacts >1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts >100 SF of tidal vegetated shallows Eligible for PCN: • Pond or lake restoration or enhancement for water quality or ecological habitat renovation. • Dam removals not eligible for SV. • Stream channel reconstruction, relocation, realignment, and stream bed modification • Installation of fish ladders • Management of existing wildlife or waterfowl impoundments. • Proactive saltmarsh restoration via sediment placement to increase saltmarsh elevation to support saltmarsh vegetation (thin layer deposition) provided there is no net loss of wetland area. • New ditching to eliminate mosquito breeding habitat >100 LF in tidal and non-tidal wetlands. • Stream channelization that would alter the hydrology of nearby wetlands and waterbodies.

resources. This applies only to RIDEM projects or projects conducted in partnership with RIDEM. • Planting and transplanting ≤ 100 SF of tidal and non-tidal SAS native species. • Removal of non-native invasive, exotic or nuisance vegetation. **An SVNF submittal to USACE is required.**	

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 11. FISH AND WILDLIFE HARVESTING ACTIVITIES

Activities in tidal waters of the U.S. associated with fish and wildlife harvesting and harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.).

See Section VI – Definitions: SAS = Special Aquatic Sites. FNP = Federal Navigation Project. MHW = Mean High Water. SF = Square Feet.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

GP 11 is not applicable to inland waters or wetlands that are not tidally influenced or navigable under Section 10 (33 CFR Part 329)

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent impacts to SAS, including intertidal mud flats, salt marshes and vegetated shallows. • Placement in FNPs or interference with navigation. FNPs are comprised of federal channels, anchorages and turning basins. More information on the limits of these FNPs can be found at: https://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects • Structures, cages or traps located in SAS. • Shellfish dredging, either mechanical or hydraulic, in SAS Eligible for SV (see below for SVNF requirements): • Activities associated with fish and wildlife harvesting devices including pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, clam and oyster digging and dredging, small fish aggregating and attraction devices such as open water fish concentrators (sea kites, etc.). • All gear, except for permanent mooring tackle shall be removed when not in use and stored at an upland location above MHW and outside of wetland, including saltmarsh. **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Artificial reefs, impoundments or semi-impoundment of water. • Permanent and temporary impacts > 1/2 acre in tidal waters. • Permanent and temporary impacts > 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts >100 SF in tidal vegetated shallows. • Shellfish dredging, either mechanical or hydraulic, in SAS Eligible for PCN: • Permanent and temporary impacts ≤1/2 acre in tidal waters. • Permanent and temporary impacts ≤1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤100 SF in tidal vegetated shallows. • Devices (structures) proposed to be used or located in tidal SAS, including salt marsh, mud flats and vegetated shallows.

Notes:

1. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 12. OIL SPILL AND HAZARDOUS MATERIAL RESPONSE OPERATIONS

(a) Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided activities are done under either (i) The Spill Prevent, Control & Countermeasure Plan required by 40 CFR 112.3; (ii) The direction or oversight of the Federal on-site coordinator designated by 40 CFR 300; or (iii) Any approved existing State, regional or local contingency plan provided that the Regional Response Team concurs with the proposed response efforts or does not object to the response effort. (b) 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 (PCB) spill response regulations at 40 CFR 761. (c) Booms placed in tidal waters. (d) Use of structures & fills for spill response training exercises. Special Aquatic Sites (SAS) must be restored in place to pre-impact elevations.

See Section VI – Definitions: SAS = Special Aquatic Sites. SF = Square Feet. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Training activities with impacts to tidal SAS, including vegetated shallows, natural rocky habitats and/or shellfish beds. • Response operation activities are planned, scheduled, or not conducted during the initial emergency response. Eligible for SV (see below for SVNF requirements): • Activities that are conducted in accordance with (a) or (b) in the title block above. • Booms placed in navigable waters for hazardous and toxic waste containment, absorption and prevention, provided they are removed upon completion of the response operation. • Temporary impacts for spill response training exercises ≤5,000 SF in non-tidal waters. • Temporary impacts for spill response training exercises ≤1,000 SF in tidal waters. • Temporary structures in tidal waters with no impacts to SAS and in place for ≤ 30 days. **Permittees have up to two weeks following commencement of these activities to submit an SVNF.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1 acre in tidal and non-tidal waters. • Establishment of new sites for disposal of hazardous/toxic waste. • Activities that will have more than minimal individual or cumulative adverse environmental effects (Section I, Paragraph B – General Criteria). Eligible for PCN: • Permanent and temporary impacts ≤1 acre in tidal and non-tidal waters. • The activity is planned or scheduled, not an emergency response, and will not cause turbidity or sediment resuspension or deposition in tidal or non-tidal waters. • Permanent structures or impacts for spill response training exercises.

Notes:

1. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 13. CLEANUP OF HAZARDOUS & TOXIC WASTE

Specific activities to affect 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. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA, are not required to obtain permits under Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.

See Section VI – Definitions: SAS = Special Aquatic Sites. SF= Square Feet. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Fill in tidal waters or wetlands. • Stream channelization, relocation, or loss of streambed including impoundments. • Establishment of new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste. • Permanent discharges in, or conversion of, SAS or a vernal pool depression that is located within waters of the U.S. • All cleanup activities in tidal waters except for the use of booms. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤5,000 SF in tidal and non-tidal waters. • SAS must be restored in place and at pre-impact elevation, to the maximum extent practicable. • Booms placed in waters for containment, absorption, and prevention, provided they are removed upon completion of the cleanup. **Permittees have up to two weeks following commencement of these activities to submit an SVNF if the work is an emergency.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1/2 acre in tidal and no-tidal waters. • Establishment of new disposal sites or expansion of existing sites for the disposal of hazardous or toxic waste. • Activities that will have more than minimal individual or cumulative adverse environmental effects (Section I, Paragraph B – General Criteria). Eligible for PCN: • Permanent and temporary impacts ≤1/2 acre in tidal and non-tidal waters. • SAS must be restored in place and at pre-impact elevation, to the maximum extent practicable. • Work in navigable waters of the U.S. other than booms placed for hazardous and toxic waste containment, absorption, and prevention.

Notes:

1. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 14. SCIENTIFIC MEASUREMENT AND MONITORING DEVICES

Scientific devices for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Also eligible are small temporary weirs and flumes constructed primarily to record water quantity and velocity provided the discharge is less than 25 cubic yards. Upon completion of the use of the installed device it, and any other structures of fills associated with the device (e.g., foundations, anchors, buoys, lines, etc.), must be removed and the site restored to preconstruction elevation and condition, to the greatest extent practicable.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts >1,000 SF in non-tidal waters, including wetlands. • Fill in tidal waters. • Permanent impacts to tidal vegetated shallows or natural rocky habitats. • Fill in a vernal pool depression that is located within waters of the U.S. • Biological sampling devices. • Weirs and flumes. • Interference with navigation or encroachment into an FNP. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤1,000 SF in non-tidal waters. • Non-fill permanent and temporary impacts ≤1,000 SF of tidal SAS (except vegetated shallows). • Devices in tidal waters that do not restrict or concentrate movement of aquatic organisms and will not adversely affect the course, condition, or capacity of a waterway. **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1 acre in non-tidal waters and wetlands • Permanent and temporary impacts >1/2 acre in tidal waters, >1000 SF in tidal SAS other than vegetated shallows, or >100 SF in tidal vegetated shallows. Eligible for PCN: • Permanent and temporary impacts ≤5,000 SF in tidal and non-tidal waters • Temporary weirs and flumes constructed primarily to record water quantity and velocity.

Notes:

1. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.
2. Activities that occur outside of Rhode Island state waters require coordination with the New York Department of State to determine if a federal consistency review is required due to effects on the uses and resources of the New York coastal zone. Contact: Matthew Maraglio or Jennifer Street, NYDOS, 518-474-6000, cr@dos.ny.gov.

GP 15. SURVEY AND EXPLORATORY SURVEY ACTIVITIES

Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory type bore holes, exploratory trenching (mechanical land clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material) and historic resources surveys.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent impacts >5,000 SF in non-tidal waters. • Permanent or temporary impacts in tidal waters. • Drilling & discharge of excavated material from test wells for oil & gas exploration and seismic exploration. • Exploratory trenching and silt producing activities. • Blasting. • Interference with navigation. • Biological sampling devices. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤5,000 SF in non-tidal waters and wetlands. • Temporary structures ≤1,000 SF removed when survey is concluded. • Sampling plots, resource surveys, soil borings, and core sampling. • Eligible for SV without SV notification: Wetland delineation, soil surveys, sampling plots, historic resource surveys. **An SVNF is not required if reviewed by CRMC.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts > 1/2 acres in tidal and non-tidal waters. • Permanent and temporary impacts > 1,000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts > 100 SF in tidal vegetated shallows. Eligible for PCN: • Permanent and temporary impacts ≤ 1/2 acres in tidal and non-tidal waters. • Permanent and temporary impacts ≤ 1000 SF in tidal SAS (other than vegetated shallows). • Permanent and temporary impacts ≤ 100 SF in tidal vegetated shallows. • Seismic surveying. • Exploratory trenching

Notes:

1. For the purposes of this GP, the term "exploratory trenching" means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material.
2. The area in which the exploratory trench is dug must be restored to its preconstruction elevation upon completion of the work and must not drain a water of the U.S. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench.
3. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
4. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.
5. Activities that occur outside of Rhode Island state waters require coordination with the New York Department of State to determine if a federal consistency review is required due to effects on the uses and resources of the New York coastal zone. Contact: Matthew Maraglio or Jennifer Street, NYDOS, 518-474-6000, cr@dos.ny.gov.

GP 16. NEW AND EXPANSION OF RECREATIONAL, RESIDENTIAL, INSTITUTIONAL AND COMMERCIAL DEVELOPMENTS

Discharges of dredged or fill material for the construction or expansion of residences and residential subdivisions; commercial and institutional buildings or subdivisions; recreational facilities such as playing fields, bikeways, trails, etc.; and attendant features including but not limited to roads, parking lots, garages, yards, and utilities. This GP authorizes attendant features if they are necessary for the use of the project purpose. Fill area includes all temporary and permanent fill, associated secondary impacts to aquatic resources, and regulated discharges associated with excavation. See GPs 18 & 19 for crossings in inland waters and/or wetlands.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Site. SVNF = Self-Verification Notification Form.

Applies to: Section 404; non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts within tidal waters, including wetlands. • Permanent and temporary impacts > 5,000 SF of non-tidal waters, including wetlands. • Permanent and temporary impacts to SAS other than wetlands. • Permanent and temporary impacts within in a vernal pool depression located within waters of the U.S. • New road and driveway crossings. • Stormwater treatment or detention systems, or subsurface sewage disposal systems in waters of the U.S. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤5,000 SF to non-tidal waters, including wetlands. **An SVNF submittal to USACE is required.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts within tidal waters, including wetlands. • Permanent and temporary impacts >1 acre in non-tidal waters, including wetlands. • New road and driveway crossings. • Stormwater treatment or detention systems, or subsurface sewage disposal systems in waters of the U.S. Eligible for PCN: • Permanent and temporary impacts ≤1 acre of non-tidal waters, including wetlands. • Permanent and temporary impacts in non-tidal SAS.

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 17. ENERGY GENERATION AND RENEWABLE ENERGY FACILITIES AND HYDROPOWER PROJECTS

Structures and work and discharges of dredged or fill material into waters of the U.S. for the construction, expansion, modification, or removal of: (a) land-based renewable energy production facilities (e.g., solar and wind) and their attendant features; (b) water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features; and (c) discharges of dredged or fill material associated with hydropower projects. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts >5000 SF in non-tidal waters, including wetlands. • Permanent and temporary impacts within tidal waters, including wetlands. Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤5,000 SF in non-tidal waters and wetlands. **An SVNF is not required if reviewed by CRMC. If the project is not reviewed by CRMC, an SVNF is required.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1 acre in tidal and non-tidal waters, including wetlands. • Permanent and temporary impacts >5,000 SF in SAS (other than vegetated shallows). • Permanent and temporary impacts >1,000 SF of tidal vegetated shallows. Eligible for PCN: • Permanent and temporary impacts ≤1 acre in tidal and non-tidal waters, including wetlands. • Permanent and temporary impacts ≤5,000 SF in SAS (other than vegetated shallows). • Permanent and temporary impacts ≤1,000 SF of tidal vegetated shallows. Mechanical clearing of areas within USACE jurisdiction without grubbing or other soil disturbance >1 acre as a secondary impact may still be eligible for PCN at the discretion of USACE.

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 18. WETLAND CROSSINGS FOR LINEAR TRANSPORTATION PROJECTS

Discharges of dredged or fill material required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Site. SVNF = Self-Verification Notification Form.

Applies to: Section 404; non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts within tidal waters, including wetlands. • Permanent and temporary impacts >5,000 SF within non-tidal waters, including wetlands. • Permanent and temporary impacts within non-tidal SAS other than wetlands. • Slip lining or culvert relining. • Work that results in flooding (impoundment) or impedes wetland drainage from the upgradient side of the wetland crossing. • Permanent or temporary impacts within a vernal pool depression that is located within waters of the U.S. • Tributary crossing projects Eligible for SV: • Permanent and temporary impacts ≤5,000 SF within non-tidal water, including wetlands. • Permanent wetland crossings 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 or fill feature. **An SVNF submittal to USACE is required.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts within tidal waters, including wetlands. • Permanent and temporary impacts >1 acre within non-tidal waters, including wetlands. • Tributary crossing projects Eligible for PCN: • Permanent and temporary impacts ≤1 acre within non-tidal waters, including wetlands. • Work in non-tidal SAS. • Slip lining or culvert relining.

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 19. STREAM, RIVER AND BROOK CROSSINGS (NOT INCLUDING WETLAND CROSSINGS)

Discharges of dredged or fill material required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, bikeways, trails, airport runways, and taxiways) and attendant features. Recommend new crossings be designed in accordance with the most recent RIDOT Road-Stream Crossing Design Manual. Replacement crossings should refer to the Road-Stream Crossing Design Manual to incorporate as many design practices as possible given site constraints. The Design Manual can be found on the USACE Regulatory website.

See Section VI – Definitions: SF = Square Feet. SAS = Special Aquatic Sites. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 & 404; tidal & non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Permanent and temporary impacts to tidal waters, including wetlands. • Permanent and temporary impacts >5,000 SF within non-tidal waters, including wetlands. • Stream relocations; dams, dikes; culvert crossings at new locations within perennial streams. • Slip lining or culvert relining that changes the invert elevation. • Open trench excavation in flowing waters. Work occurring behind a cofferdam may occur at any time. • Riprap beyond the minimum necessary to protect the structure • Permanent and temporary impacts within a vernal pool depression located within waters of the U.S. • Full culverts (with bottoms) in perennial streams. Eligible for SV: • Permanent and temporary impacts ≤5,000 SF within non-tidal waters and wetlands for bridge or open-bottom structure crossings of perennial streams, rivers, and brooks. Full culverts (with bottoms) are eligible within non-perennial streams, rivers, and brooks. • The use of a single culvert or bridge opening is required to the extent practicable over the use of multiple small openings. • Unconfined, in-stream work, not including installation and removal of cofferdams, is limited to the low-flow period, July 1 through October 31 unless RIDEM requires different resource-driven time of year restriction. **An SVNF submittal to USACE is required.**	Not eligible for PCN (individual permit required): • Permanent and temporary impacts >1 acre in non-tidal waters. • Permanent impacts that are >1/2 acre in tidal waters. • Permanent impacts that are >1000 SF in tidal SAS (other than vegetated shallows). • Permanent impacts that are >100 SF in tidal vegetated shallows. • Temporary impacts >1 acre in tidal waters. • Temporary impacts >5000 SF in tidal SAS (other than vegetated shallows). • Temporary impacts >1000 SF in tidal vegetated shallows. • Wetland crossings (GP 18). Eligible for PCN: • Permanent and temporary impacts ≤1 acre within non-tidal waters, including wetlands. • Permanent impacts ≤1/2 acre in tidal waters. • Permanent impacts ≤1000 SF in tidal SAS (other than vegetated shallows). • Permanent impacts ≤100 SF in tidal vegetated shallows. • Temporary impacts ≤1 acre in tidal waters. • Temporary impacts ≤5000 SF in tidal SAS (other than vegetated shallows). • Temporary impacts ≤1000 SF in tidal vegetated shallows. • Full culverts with bottoms in perennial streams. • Riprap placed across the bed of the stream, river, or brook.

Notes:

1. Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.
2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 20. AQUACULTURE & MARICULTURE ACTIVITIES

The installation of buoys, floats, racks, rafts, trays, nets, lines, tubes, posts, or other structures in navigable waters for the containment and cultivation of indigenous species of shellfish and seaweed/kelp. Also authorized are anchored upweller floats, spat-collection structures, seawater intake/discharge structures, and discharges of dredged or fill material associated with cultivation such as the placement of cultch or spatted-shell on bottom. Boundaries of vegetated shallows may be required to be located/surveyed in the field. See USACE website for guidance: http://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/.

See Section VI – Definitions: FNP = Federal Navigation Project. SAS = Special Aquatic Sites. SF = Square Feet. SVNF = Self-Verification Notification Form.

Applies to: Sections 10 and 404; navigable waters of the U.S

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Structures located in an FNP, or within a horizontal distance equal to three times the authorized depth of the FNP. • Permanent and temporary impacts to SAS, including vegetated shallows. • Culture of non-indigenous species or aquatic nuisance species. • Enclosures and impoundments for aquaculture activities within tidal waters. Kelp/seaweed or finfish aquaculture. • Attendant features such as docks, piers, or boat ramps (GP 4 or GP 5). • Structures in established danger zones or restricted areas designated in 33 CFR part 334. • Aquaculture activities that will result in conversion of habitat type (soft bottom to hard, or vice versa). Eligible for SV (see below for SVNF requirements): • Permanent and temporary impacts ≤1/2 acre in tidal waters. • Permanent and temporary impacts ≤1,000 SF in tidal SAS, intertidal areas, or areas containing shellfish. • Placement of shellfish seed, spatted-shell or cultch for commercial shellfish aquaculture or restoration. • The installation of temporary (≤3 years) structures for research, educational or experimental aquaculture gear impacting ≤1,000 SF for indigenous species under the supervision of the CRMC Aquaculture Coordinator. • Suspended cages or bags located wholly below and within the footprint of an existing authorized fixed or floating structure provided no loose lines and there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW. • Shellfish upweller floats not to exceed 160 sf (anchored/berthed only, no piling installation), with a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW, cannot be located within an FNP or FNP side slope.	Not eligible for PCN (individual permit required): • New or expansion of existing impoundment(s) or semi-impoundment(s) of water for the culture of holding of motile aquatic organisms. • Permanent and temporary impacts to SAS, including vegetated shallows. • Structures and work for finfish culture. • Aquaculture activities that may obstruct navigation or has the potential for greater than minimal impact on navigation or other existing public uses. • Structures for the culture of non-indigenous species that are not present in the waterbody. Eligible for PCN (includes work not eligible for SV): • Activities with in-water ropes, lines and chains including, but not limited to, vertical drop lines, horizontal longlines or suspended gear for the rearing of shellfish or seaweed. • Cages, racks, trays, netting or other structures floating on the water surface or >3-acres on the ocean bottom used to contain, cultivate or depurate shellfish. • Activities that involve a change from bottom gear or culture to floating or suspended gear.

• Land-based shellfish hatchery or nursery intake and/or outlet provided diameter is ≤3 inches and properly screened to prevent entrainment or impingement of aquatic organisms. **An SVNF is not required if reviewed by CRMC. If the project is not reviewed by CRMC, an SVNF is required.**	

Notes:

1. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defined: (a) nonindigenous species as "any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another"; and (b) aquatic nuisance species as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent upon such waters."

2. Where a threshold identifies permanent and temporary impacts, the threshold limit applies to the combined impact quantities of both categories.

GP 21. TEMPORARY FILL NOT ASSOCIATED WITH A REGULATED GENERAL PERMIT ACTIVITY

Temporary discharges, such as sandbag/earth cofferdams, access fills, etc., necessary for construction activities, dewatering of construction sites, and temporary flood control for storm events.

See Section VI – Definitions: SF = Square Feet. SVNF = Self-Verification Notification Form.

Applies to: Section 404; non-tidal waters of the U.S.

SELF-VERIFICATION (SV)	PRE-CONSTRUCTION NOTIFICATION (PCN)
Not eligible for SV (PCN or individual permit required): • Temporary impacts >5,000 SF in non-tidal waters, including wetlands. • Temporary impacts within a vernal pool depression located within waters of the U.S. Eligible for SV (see below for SVNF requirements): • Temporary impacts ≤5,000 SF in non-tidal waters, including wetlands. **An SVNF submittal to USACE is required.**	Not eligible for PCN (individual permit required): • Temporary impacts >1 acre in non-tidal waters, including wetlands. Eligible for PCN: • Temporary impacts ≤ 1 acre in non-tidal waters, including wetlands.

Note: Temporary construction mats of any area necessary to conduct activities do not count towards the impact thresholds and should be removed as soon as work is completed.

SECTION IV - GENERAL CONDITIONS

1. Other Permits. Authorizations provided by these General Permits (GPs) do not obviate the need for project proponents to obtain other Federal, State, or local permits, approvals, or authorizations required by law. Applicants are responsible for applying and obtaining all such permits, approvals, or authorizations. Work that is not regulated by the State, but subject to USACE jurisdiction, may still be eligible for these GPs.

2. Single and Complete 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. The PGPs 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 USACE 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.

3. 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 19, with an associated utility line crossing authorized by GP 6, if the maximum acreage loss of waters of the U.S. for the total project is ≥1 acre it shall be evaluated as an IP.

4. Environmental Functions and Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner that minimizes any adverse impacts on existing fish, wildlife, and the environmental functions to the extent practicable.

5. Avoidance, Minimization, and Compensatory Mitigation

a. Avoid and Minimize: 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 project site. Avoidance and minimization is required to the extent

necessary to ensure that the adverse effects to the aquatic environment (both area and function) are no more than minimal.

b. Applicants should consider riparian/forested buffers for stormwater management and low impact development (LID) best management practices (BMPs) to reduce impervious cover and manage stormwater to minimize impacts to the maximum extent practicable.

c. Compensatory mitigation[1]: for effects to waters of the U.S., which are unavoidable and have been minimized to the greatest extent practicable, including direct, secondary, and temporal[2], will generally be required for projects with permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

6. Water Quality. Permittees shall satisfy any conditions imposed by the State of Rhode Island and EPA, where applicable, in their Clean Water Act Section 401 Water Quality Certification (WQC) for these GPs, or in any Individual Section 401 WQC. See Appendix C for state-specific contact info 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.

7. Coastal Zone Management. Permittees shall satisfy any additional conditions imposed by the State of Rhode Island 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.

8. Federal Threatened and Endangered Species

a. No activity is authorized by these GPs which:

(1) 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 or proposed critical habitat of such species.

(2) "May affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(3) Is "likely to adversely affect" a listed species or critical habitat unless Section 7 consultation has been completed by USACE or another lead action agency in coordination with

[1] Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. Also reference the New England District Compensatory Mitigation Guidance at *http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx*

[2] Temporal loss: The time lag between the losses 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).

USACE.

(4) Violates the ESA.

9. National Lands. Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, or any area administered by the National Park Service, U. S. Fish and Wildlife Service (USFWS) or U.S. Forest Service are not eligible for SV and will require either a PCN or an Individual Permit.

10. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river", unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, USFWS). See *https://www.rivers.gov/rhode-island.php for additional information.*

11. Historic Properties. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) to properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places[3], including previously unknown historic properties within the permit area, unless USACE or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) and the National Register of Historic Places can assist with locating information on:

a. Previously identified historic properties; and

b. Areas with potential for the presence of historic or cultural resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants or tribal entities in consultation with USACE and the SHPO and/or THPO(s).

12. Activities Affecting Structures or Works Built by the United States.

a. USACE projects and property can be found at:
www.nae.usace.army.mil/Missions/Civil-Works

b. In addition to any authorization under these GPs, proponents must contact the USACE Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting USACE properties and/or USACE controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on USACE properties and/or USACE-controlled easements until they have received any required USACE 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, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), or any use

[3] Many historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with USACE and the SHPO and/or THPO.

which would obstruct or impair the usefulness of the Federal project in any manner, and/or would involve changes to the authorized Federal project's scope, purpose, and/or functioning, is not eligible for SV and will also require review and approval by USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) (Section 408)

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

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

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

13. Navigation.

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

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

c. Any structure or work that extends closer to the horizontal limits of any USACE Federal Navigation Project than three times the project's authorized depth shall be subject to removal at the owner's expense prior to any future USACE dredging or the performance of periodic hydrographic surveys. This is applicable to SV eligible and PCN activities.

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

e. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or their 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 USACE, 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.

f. A PCN is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A as the work may also require a Section 408 permit.

14. Permit and Verification Letter On-Site. For PCN projects, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of all contracts and sub-contracts for work that affects areas of USACE 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 these GPs, including GCs and the authorization letter (including its drawings, plans, appendices, and other attachments) and includes permit

modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction

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

16. Pile Installation and Removal. Derelict, degraded, or abandoned piles and sheet piles in navigable waters, except for those inside of existing work footprints for piers, must be completely removed or cut and/or driven minimize turbidity and sedimentation impacts. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, or mudflats.

Descriptions of Pile Removal methods:

- **a.** Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment.
- **b.** Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up.
- **c.** Clamshell Pull: This can remove intact, broken, or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

17. Time-of-Year Work (TOY) Windows/Restrictions. In-water work shall be conducted during the following TOY work windows (work allowed) under SV and any in-water work proposed during the following TOY restrictions (no work) shall be reviewed under PCN (and shall contain written justification for deviation from the work allowed windows). The term "in-water work" does not include conditions where the work site is "in-the-dry" (e.g., intertidal areas exposed at low tide). The term also does not include work contained in a cofferdam so long as the cofferdam was installed and subsequently removed within the work allowed window.

	TOY Restriction (***no work***)	TOY Work Window (***work allowed***)
Non-tidal waters	Nov. 1st to Jul. 14th	Jul. 1st to Oct. 31st *
Tidal waters	Feb. 1st to Oct. 14th	Oct. 15th to Jan. 31st *

*RI DEM may place additional constraints to protect anadromous species in the fall. Note that for each of the specific RI General Permits where work in anadromous fish runs occur, we also prohibit unconfined or sediment-generating activities between March 1 and June 30. This restriction is encompassed by the windows above.

Alternate work windows proposed under PCN will generally be coordinated with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Maine Department of Inland Fisheries and Wildlife, and/or Maine Department of Marine Resources and resulting written verifications may include species-specific work allowed windows.

18. Heavy Equipment in Wetlands or Mudflats. Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained, or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall: a) have low ground pressure (typically <6 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. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written USACE authorization. Similarly, the permittee may request written authorization from USACE 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:

a. Mats should be in good condition to ensure proper installation, use and removal.

b. Where feasible, place mats in a location that would minimize the amount needed for the wetlands crossing.

c. Minimize impacts to wetland areas during installation, use, and removal.

d. Install adequate erosion and sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, mats.

e. 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. Place mats far enough on either side of the resource area to rest on firm ground.

f. Provide standard construction mat BMP details to work crews.

19. Temporary Fill

a. Temporary fill, construction mats and corduroy roads shall be **entirely** removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.

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. A PCN is required for:

(1) all temporary fill that is in place for >2 years; or

(2) construction mats filling >5000 SF that are in place for:

(i) >1 year when installed during the growing period; or

(ii) any portion of more than one growing period when installed outside the growing period. The growing period is from May 1 to October 1 for the purposes of these GPs. A PCN is required for construction mats that involve underlying fill.

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 located in waters of the U.S.

20. Restoration of Inland Wetland Areas

a. Upon completion of construction, all disturbed wetland areas 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 K in the New England District "Compensatory Mitigation Standard Operating Procedures" found at *https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx*

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

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

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

21. Bank and Shoreline Stabilization Including Living Shorelines. Projects involving construction or reconstruction/maintenance of bank stabilization structures within USACE jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. For example, vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information on this topic, go to the USACE Coastal Engineering Manual (supersedes the Shore Protection Manual), located at *https://www.nae.usace.army.mil/Missions/Regulatory/Useful-Documents-Forms-and-Publications/*. Select "Corps Coastal Engineering Manual, EM 1110-2-1100" and navigate to Coastal Engineering Manual – Part V, Chapter 7-8, a (2) c.

22. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls[4] (hereinafter referred to as "controls") must be used and maintained in effective operating condition during construction. All exposed soil and other fills, as well as any work below the OHW mark or HTL, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow, or during low tides. Controls in streams should be installed and removed during the same TOY work window when practicable. A PCN is required for controls that encroach: i) >25% of the stream width measured from OHW in non-tidal diadromous streams from March 15 to June 30; or ii) >25% of the waterway width measured from MHW in tidal waters from Feb. 1 to June 30, or >50% of the waterway width measured from MHW in tidal waters from July 1 to Jan. 14. This is to protect upstream fish passage. Proponents must also maintain downstream fish passage throughout the project. These conditions may be modified if specified by USACE in writing.

No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands where suspended solids shall be removed prior to discharge back into waters or wetlands. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.

Controls shall be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized at the earliest practicable date. Sediment and debris collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable and flows and aquatic life movements are not disrupted.

[4]Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.

The material within sandbags shall not be released during their removal and trenches must be backfilled as soon as practicable to reduce turbidity impact duration.

23. Aquatic Life Movements and Management of Water Flows. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Unless otherwise stated, activities impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

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

b. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. All wetland crossings shall preserve hydraulic and ecological connectivity between the wetlands on either side of the road.

c. 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.

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

e. Recommend new crossings be designed in accordance with the most recent RIDOT Road-Stream Crossing Design Manual. Replacement crossings should refer to the Road-Stream Crossing Design Manual to incorporate as many design practices as possible given site constraints. The Design Manual can be found on the USACE Regulatory website.

24. Spawning, Breeding, and Migratory Areas

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

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

25. Vernal Pools

a. On projects requiring a PCN, vernal pools must be identified on the plan showing aquatic resource delineations.

b. A PCN is required if a discharge of dredged or fill material is proposed in a vernal pool located within Federal jurisdiction.

c. Adverse impacts to vernal pools should be avoided and minimized to the maximum extent practicable.

26. Invasive and Other Unacceptable Species.

a. The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the site work shall be avoided. Hence, swamp and timber mats shall be thoroughly cleaned before reuse.

b. Unless otherwise directed by USACE, all applications for PCN inland projects proposing fill in USACE jurisdiction shall include an Invasive Species Control Plan. Additional information can be found at www.nae.usace.army.mil/missions/regulatory/invasive-species and https://cipwg.uconn.edu/

27. Fills Within 100-Year Floodplains. The activity shall comply with applicable Federal Emergency Management Agency (FEMA)-approved State of Rhode Island or local floodplain management requirements. Permittees should contact FEMA and/or the State of Rhode Island regarding floodplain management requirements.

28. Stream Work and Crossings, and Wetland Crossings. All stream work and crossings, and wetland crossings must adhere to the Rhode Island Department of Transportation Road-Stream Crossing Design Manual dated August 2021 on the USACE Regulatory website.

29. Inspections. The permittee shall allow USACE to make periodic inspections at any time to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. The USACE may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work.

30. Maintenance. The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. This does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds in General Permit #7 in Appendix A as well as any conditions included in a written USACE authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2).

31. 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.

32. Transfer of GP Verifications. When the work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions, including any special conditions, will continue to be binding on the entity or individual who received the authorization,

as well as the new owner(s) of the property. If the permittee sells the property associated with a GP authorization, the permittee may transfer the GP authorization to the new owner by submitting a letter to USACE to validate the transfer. A copy of the GP authorization letter must be attached to the letter, and the letter must include the following statement: "The terms and conditions of these general permits, including any special conditions, will continue to be binding on the new owner(s) of the property". This letter should be signed by both the seller and new property owner(s).

33. Modification, Suspension, and Revocation. This permit and any individual authorizations issued thereof may either be 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 United States.

34. Special Conditions. The USACE may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, or a federal resource agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties and/or restoration.

35. False or Incomplete Information. If USACE makes a determination regarding the eligibility of a project under this permit, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the authorization will not be valid, and the U.S. government may institute appropriate legal proceedings.

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

37. Enforcement cases. These GPs do not apply to any existing or proposed activity in USACE jurisdiction associated with an on-going USACE or EPA enforcement action, until such time as the enforcement action is resolved or USACE determines that the activity may proceed independently without compromising the enforcement action.

38. Previously Authorized Activities

a. Completed projects that received prior authorization from USACE (via SV or PCN), shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, general conditions, 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.

39. Duration of Authorization

a. These GPs expire five years from the date issued as listed at the top of the cover sheet. Activities authorized by these GPs that have either commenced (i.e., are under construction) or

are under contract to commence will have an additional year from the expiration date to complete the work. The permittee must be able to document to USACE satisfaction that the project was under construction or under contract by the expiration date of these GPs. If work is not completed within the one-year extended timeframe, the permittee must contact USACE. The USACE may issue a new authorization provided the project meets the terms and conditions of the RI GPs in effect at the time.

b. Activities authorized under these GPs will remain authorized until the GP expires, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after its expiration date.

SECTION V

CONTACTS FOR RHODE ISLAND GENERAL PERMIT

U.S. Army Corps of Engineers

New England District, Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751
cenae-r-ri@usace.army.mil
www.nae.usace.army.mil/missions/regulatory.aspx
(800) 343-4789 or (978) 318-8335
(978) 318-8303 (fax)

FEDERAL AGENCY PARTNERS

Federal Endangered Species & EFH

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
christopher.boelke@noaa.gov
www.nmfs.noaa.gov
(978) 281-9102
(978) 281-9301 (fax)

Federal Endangered Species (F&WS):

U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087
maria_tur@fws.gov
www.fws.gov
(603) 223-2541

National Park Service

North Atlantic Region
15 State Street
Boston, Massachusetts 02109
jamie_fosburgh@nps.gov
www.nps.gov/rivers/index.html/
(617) 223-5203
(Wild & Scenic Rivers)

U.S. Environmental Protection Agency Region I – New England

5 Post Office Square, Suite 100
Boston, Massachusetts 02109
sachs.erica@epa.gov
www.epa.gov/owow/wetlands/
(617) 918-1741

STATE OF RHODE ISLAND

Rhode Island Department of Environmental Management (RIDEM)

Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908
Ron.gagnon@dem.ri.gov
(401) 222-6820
(401) 222-3564 (fax)

Rhode Island Coastal Resources Management Council (CRMC)

Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, Rhode Island 02879-1900
Cstaff1@crmc.ri.gov
www.crmc.ri.gov
(401) 783-3370
(401) 783-3767 (fax)

HISTORIC RESOURCES

Archaeological Information

Rhode Island Historical Preservation & Heritage Commission
150 Benefit Street
Providence, Rhode Island 02908
hphc.info@preservation.ri.gov
http://www.preservation.ri.gov/
(401) 222-2678
(401) 222-2968 (fax)

Tribal Historic Preservation Officer

Tribal Historic Preservation Office
Narragansett Tribe
P.O. Box 268
Charlestown, RI 02813
tashtesook@aol.com;
coradot@yahoo.com;
coradot@gmail.com
https://narragansettindiannation.org/
(401) 364-1100
(401) 364-1104 (fax)

Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535
bettina@wampanoagtribe.net
(508) 645-9265

SECTION VI - DEFINITIONS

Artificial Reef: A structure which is constructed or placed in waters for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

Boating facilities: These provide, rent or sell mooring space, such as marinas, boat/yacht clubs, boat yards, dockominiums, town facilities, 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.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or, in limited circumstances, preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Construction mats: Construction, swamp and timber, 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.

Cumulative Impacts: These are changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. 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. (40 CFR 230.11(g)(1))

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

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge of dredged material: Any addition of dredged material into U.S. waters. The term includes, without limitation, the addition of dredged material to a specified discharge site located in U.S. waters and the runoff or overflow from a contained land or water disposal area… The term does not include plowing, cultivating, seeding and harvesting for the production of food, fiber, and forest products. The term does not include de minimis, incidental soil movement occurring during normal dredging operations. (33 CFR 323)

Discharge of fill material: The addition of fill material into U.S. waters. The term does not include plowing, cultivating, seeding, and harvesting for the production of food, fiber, and forest products. The term generally includes, without limitation, the following activities:

a. Placement of fill that is necessary for the construction of any structure in waters of the U.S.;
b. Building any structure or impoundment requiring rock, sand, dirt, or other material for construction;
c. Site-development fills for recreational, industrial, commercial, residential, and other uses;
d. Causeways or road fills;

e. Dams and dikes;
f. Artificial islands;
g. Property protection or reclamation devices such as riprap, groins, seawalls, breakwaters, revetments;
h. Beach nourishment;
i. Levees;
j. Artificial reefs; and
k. Fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines. (33 CFR 323)

Dredged material: Material that is excavated or dredged from U.S. waters. (33 CFR 323)

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: A stream with flowing water only during, and for a short duration, after precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Expansions: Work that increases the footprint of fill, depth of basin or drainage feature, structures, or floats, or slip capacity.

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 Corps Federal anchorages, Federal channels, and Federal turning basins. Information, including the limits, is provided at *http://www.nae.usace.army.mil/Missions/Navigation.aspx*

Fill material: Any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste. (33 CFR 323)

FNP Buffer Zone: The buffer zone of a Corps FNP is equal to three times the authorized depth of the FNP. For additional information see *http://www.nae.usace.army.mil/Missions/Navigation/Rhode-Island-Projects/*

High Tide Line (HTL): The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides

that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds. (33 CFR 328). Refer to the highest predicted tide for the current year at the nearest NOAA tide gage at either Newport or Providence.*https://tidesandcurrents.noaa.gov/map/index.html?type=active&region=Rhode%20Island*

Historic Property: Any property listed or eligible for listing in the National Register of Historic Places. (33 CFR 325)

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

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

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Living Shoreline: A term used to describe a low-impact approach to shoreline protection that integrates natural coastal features to restore, enhance, maintain, or create natural coastal or riparian habitat, functions, and processes while also functioning to mitigate flooding or shoreline erosion.

Maintenance:

a. The repair, rehabilitation, or in-kind replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 – "Activities occurring before certain dates," provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification.
   - Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make repair, rehabilitation, or replacement are authorized.
   - Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
   - No seaward expansion for bulkheads or any other fill activity is considered SV maintenance.
   - Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2).

b. The state's maintenance provisions may differ from the Corps and may require reporting and written authorization from the state.
c. Contact the Corps to determine whether stream crossing replacements require a PCN.

d. Exempted Maintenance. In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design."

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.

Navigable waters of the United States: Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 CFR Part 329).

Non-tidal Wetlands: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters, non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Ocean Waters: An ocean water are those waters of the open seas lying seaward of the base line from which the territorial sea is measured (33 CFR 324.2)

Ordinary High Water Mark (OHW): A line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas. (33 CFR 328.3(e))

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

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

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

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: reestablishment and rehabilitation.

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 an 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. (40 CFR 230.11(h))

Shellfish dredging: Shellfish dredging typically consists of a net on a frame towed behind a boat to capture shellfish and leave the sediment behind. Dredges may skim the surface, utilize hydraulic jets, toothed rakes, or suction apparatus.

Special aquatic sites (SAS): These include tidal and non-tidal wetlands, mud flats, vegetated shallows (submerged aquatic vegetation), sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230.3 and listed in 40 CFR 230 Subpart E.

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

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.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

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.

Tidal Wetlands: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tide gates: Structures such as duckbills, flap gates, manual and self-regulating tide gates, etc. that regulate or prevent upstream tidal flows.

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, data, and telegraph messages, and radio and television communication. The term utility line does not include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

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

Vernal pools (VPs): For the purposes of these GPs, VPs are depressional wetland basins that typically go dry in most years and may contain inlets or outlets, typically of intermittent flow. Vernal pools range in both size and depth depending upon landscape position and parent material(s). In most years, VPs support one or more of the following obligate indicator species: wood frog, spotted salamander, blue-spotted salamander, marbled salamander, Jefferson's salamander, and fairy shrimp. However, they should preclude sustainable populations of predatory fish.

Waters of the United States: Waters of the United States are defined in 33 CFR Part 328. These waters include more than navigable waters of the U.S. and are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act. Waters of the U.S. include jurisdictional wetlands.

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.

SECTION VII

REQUIRED INFORMATION GUIDE FOR PRECONSTRUCTION NOTIFICATION

A. INFORMATION REQUIRED FOR ALL PROJECTS

- ☐ The USACE application form (ENG Form 4345) is required. The form can be obtained electronically at *https://www.nae.usace.army.mil/Missions/Regulatory/*. RIDEM and CRMC applications can be substituted for the USACE application form provided they include all the information required below. Submit a copy of the Rhode Island application directly to USACE.
- ☐ Drawings or plans that are legible, reproducible, drawn to scale, and no larger than 11x17". Existing and proposed conditions, and plan views and cross sections for all work. Numeric and graphic/bar scales must agree, and plan details must be measurable using a standard engineer's scale on printed plans. Reduced plans are not acceptable. Show the north arrow and wetland and waterway area impacts. Provide a locus map and, if necessary, a plan overview of the entire property with a key index to the individual impact sheets.
- ☐ Applicants shall identify all aquatic resources on the project site. They are all presumed to be waters of the U.S. unless an Approved Jurisdictional Determination (AJD) has been obtained from USACE that determines otherwise. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement.
- ☐ All anticipated direct, indirect, and secondary impacts, both permanent and temporary, to waters of the U.S. (in wetlands, and waterward of OHW in inland waters and the HTL in coastal waters) in square feet, acres, or linear feet (for stream and bank impacts), and cubic yards or other appropriate units of measure. The USACE New England District's Compensatory Mitigation Standard Operating Procedures document is a resource for assessing secondary impacts (*https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation*).
- ☐ Information on historic properties (Sec IV). Information on Federal threatened or endangered species present at the site including a copy of the USFWS IPAC Official Species List, the NOAA Section 7 Species List (Sec IV) and the email address of the person who generated the list.
- ☐ Photographs of wetland and/or waterway to be impacted. Photos at low tide are preferred for work in coastal waters.
- ☐ Provide any prior permit information that you may have for the project area, e.g., existing USACE permit/file numbers, the names under which the permits were obtained if the permit/file numbers are unknown, construction dates and proof of existence prior to December 1968 (aerials, photos, town hall records, affidavits, state, or local permits, etc.) to verify "grandfathering"
- ☐ For any activity that will alter or temporarily or permanently occupy or use a USACE Federally authorized Civil Works project, the PCN must include a statement confirming that the project proponent has submitted a written request for Sec. 408 permission from USACE.

Information that may also be required:

- ☐ Purpose and need for the proposed activity.
- ☐ Alternatives analysis.
- ☐ Schedule of construction activity.
- ☐ Location and dimensions of adjacent structures.
- ☐ Applicants may be required to describe and identify potential adverse effects of the project on Essential Fish Habitat (refer to the NOAA Fisheries' EFH Mapper).
- ☐ Identification of potential discharges of pollutants to waters, including potential impacts to impaired waters, in the project area.
- ☐ Whether work will occur behind a temporary cofferdam or whether silt curtains will be deployed during project construction.
- ☐ Number and type (drill barge, work boat, tugboat, etc.) of temporary work vessels to be used.
- ☐ Number of permanent recreational vessels associated with a coastal structure.
- ☐ Number, size (diameter) and type (timber, steel, cement, combination, other) of pilings associated with a project in tidal waters and installation method (vibratory hammer, impact hammer, combination) for such pilings.
- ☐ Description of how the project will maintain aquatic organism passage during and after construction.
- ☐ An Invasive Species Control Plan. Sample control plans available at https://www.nae.usace.army.mil/Missions/Regulatory/
- ☐ Wetlands functions and values assessment (Highway Methodology Workbook Supplement)

Information required for dredge activities shall also include:

- ☐ Sampling plan requests – submit completed Dredged Material Evaluation checklist found at *Dredged Material Evaluation Checklist, Sampling and Analysis Plan Requirements from Applicant (army.mil)*
- ☐ Whether the work is new, improvement or maintenance dredging and the method of handling/transporting the dredged material.
- ☐ Grain-size of material to be dredged (e.g., silty sand). Provide any existing sediment grain size and bulk sediment chemistry data from the proposed project, previous dredging at the site, or from nearby projects.
- ☐ Information on any recent spills of oil and/or other hazardous materials and/or nearby outfalls. Document the information source, e.g., EPA database, the harbormaster or fire chief.
- ☐ Total footprint of the dredged area when characterizing impact to resources.
- ☐ Provide an alternatives analysis to open-water disposal.

B. PLANS FOR ALL PROJECTS SHALL INCLUDE:

- ☐ Drawings or plans that are legible, reproducible, drawn to scale, and no larger than 11”x17”. Numeric and graphic/bar scales must agree, and plan details must be measurable using a standard engineer’s scale on printed plans. Reduced plans are not acceptable. Show the north arrow and wetland and waterway area impacts. Provide a locus map and, if necessary, a plan overview of the entire property with a key index to the individual impact sheets.
- ☐ Datum in plan and elevation views.
  - The horizontal datum shall be in the NAD 83 Rhode Island State Plane Coordinate System in U.S. survey feet.
  - The vertical data in coastal projects shall be referenced to either MLLW or the North American Vertical Datum of 1988 (NAVD 88). Both the distance and depth units shall be U.S. survey feet. See *https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Forms/VerticalDatumLetter.pdf*
- ☐ Existing and proposed conditions, and plan views and cross sections for all work.
- ☐ Limits and area (SF) of temporary and permanent fill to be placed in any wetlands or waterway, including construction access and work areas, cofferdams, bedding, and backfill. Show delineation of all wetlands including salt marsh; other special aquatic sites (vegetated shallows, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges); other waters, such as lakes, ponds, vernal pools, and perennial, intermittent, and ephemeral streams; on the project site. Use Federal delineation methods and include USACE wetland delineation data sheets for all wetlands. Vegetated shallow survey guidance is located at *https://www.nae.usace.army.mil/Missions/Regulatory/Jurisdiction-and-Wetlands/*.
- ☐ Name and addresses of adjoining property owners on the plan view.
- ☐ For typical pipeline cross-sections, the details of the bedding and backfill to be used in wetlands and waters. Show proposed trench dams and detail for inland projects.
- ☐ Adjacent Federal navigation project (FNP) (anchorage or channel) and/or state/local navigation projects, distance to them, the authorized depths of the FNP, and state plane coordinates of the seaward end(s) of structures near an FNP.
- ☐ Presence or absence of shellfish beds near the site and how such was determined, e.g., personal visual observation, divers, online maps, conversations with local officials, etc. Note: a shellfish survey may be required.

Plans for projects involving structures shall also include:

- ☐ The MLLW, MHW and HTL elevations in tidal waters, and OHW in non-tidal navigable waters.
- ☐ Water depths around the project in all views.
- ☐ Dimensions of the existing and proposed structures. Show the location and dimensions of existing bulkheads and/or shoreline stabilization on adjacent properties and, if applicable, how the proposed work will tie into existing structures.
- ☐ For piers and other structures, the minimal height of structures frame above the marsh.
- ☐ For floats, the methods of securing them (piles, bottom anchors) and for keeping them off substrate (skids, stops) at low water.
- ☐ Any existing structures and moorings in waters adjacent to the proposed activity, their dimensions, and the distance to the limits and coordinates of any proposed mooring field, reconfiguration zone or aquaculture activity. Provide the coordinates for all corners based on the Rhode Island State Plane Coordinate System. Specify the maximum number of slips and/or moorings within proposed reconfiguration zones. If no structures exist or are proposed, state this on the project plans.
- ☐ The dimensions of the structure or work and extent of encroachment waterward of MHW and from a fixed point on the shoreline or upland.
- ☐ Shoreline of adjacent properties and property boundary offset for structures.
- ☐ In narrow waterbodies, the distance to opposite shoreline, waterway width, and structures across from proposed work.
- ☐ For reconfiguration zones, the coordinates of the corners and specify the maximum number of slips and/or moorings within the zone.
- ☐ A description of the type of vessels that would use the facility, and any plans for sewage pump-out facilities, fueling facilities and contingency plans for oil spills.

Plans for projects involving fill shall also include:

- ☐ All locations of discharges of dredged or fill material waterward of the HTL or OHW.
- ☐ Describe historic fill previously authorized by USACE, if known, and the date of authorization.
- ☐ The MLLW, MHW and HTL elevations in tidal waters, and OHW elevation in non-tidal waters.
- ☐ Structures, if any, proposed to be erected on the fill.
- ☐ Limits of wetlands (label: wetland boundary) and waterways (labels: OHW or HTL) on all views.
- ☐ Limits of temporary and permanent fill to be used in any wetland or waterway, including construction access and work areas, cofferdams, bedding, and backfill.
- ☐ Provide a description of the wetlands and aquatic habitats at the site and provide a map of their locations within the project area.

- ☐ Description (length, width, flow character, and streambed condition) of any streams at the project site.
- ☐ Area (SF) of each fill that is waterward of the OHW in non-tidal waters, waterward of the HTL in tidal waters, and in wetlands. State if the fill is permanent or temporary.
- ☐ Disposal site of the excess excavated material. If necessary, submit an additional sheet showing the location of the proposed disposal site. Provide quantity of excess excavated material.
- ☐ A statement describing how impacts to waters of the U.S. are to be avoided and minimized. For the remaining impacts, include a statement describing how aquatic resource function is being replaced through compensatory mitigation or explain why compensatory mitigation should not be required for the proposed impacts. Mitigation areas clearly identifying each area and showing the boundaries and SF of each area.
- ☐ Summary of any proposed mitigation (*https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/* for the USACE 2020 Compensatory Mitigation Standard Operating Procedures).

Plans for activities involving dredging shall also include:

- ☐ The area (SF) and volume (CY) of material to be dredged waterward of MHW for each dredge location.
- ☐ Dredge boundaries, including side slopes.
- ☐ Bathymetry for existing, proposed, and historical (include dates and USACE permits) dredge depths
- ☐ Whether the dredging is new, maintenance, improvement, or a combination.
- ☐ A description of the area to be dredged, i.e., open water, existing channel, wetlands, uplands, etc.
- ☐ Location of the disposal site (include location sheet).
- ☐ The methods and areas used to retain or prevent dredged material from running back into the wetland or waterway. Provide the capacity of the storage area and points of runback, including the overflow route, into the aquatic system.
- ☐ For beach nourishment, identify the disposal footprint, existing and proposed nourishment profiles and/or grain-size of existing material.
- ☐ For open-water disposal, explain why inland or beneficial use sites are not practicable.
- ☐ Identification and description of any potential impacts to Essential Fish Habitat and threatened or endangered species.

Note: For projects proposing open water, nearshore disposal, or beach nourishment, contact USACE as early as possible for sampling and testing protocols. Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing may be required. Sampling and testing of sediments without such contact should not occur and if done, will be at the applicant's risk. The information needed to develop a sampling and analysis plan can be found at: *https://www.nae.usace.army.mil/Missions/Regulatory*.

SECTION VIII

RESOURCE AGENCY COORDINATION PROCEDURES

A. FEDERAL THREATENED AND ENDANGERED SPECIES:

1. All applicants shall attach to their SVNF or PCN an Official Species List obtained from the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) found at: *https://ipac.ecosphere.fws.gov/* and provide the email address of the person who generated the list. SVNF is not required when CRMC is the reviewing state agency.

2. For proposed activities in waters with tidal influence, applicants shall also refer to the National Oceanic and Atmospheric Administration (NOAA) Fisheries' Section 7 Mapper for federally-listed species found at: *https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper*

3. 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 consultation is completed by another lead Federal agency, in which case, an application can be SV. An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septrionalis*), and only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation.

4. Federal lead agencies shall follow their own procedures for complying with the requirements of the ESA while ensuring that USACE and any other federal action agencies are included in the consultation process.

5. The requirements to comply with Section 7 of the ESA may be satisfied by a programmatic agreement (PA) or programmatic consultation (PC) with USACE, the New England District, or another federal agency.

B. ESSENTIAL FISH HABITAT (EFH)

1. Applicants may be required to describe and identify potential adverse effects to EFH when requested by the USACE or National Marine Fisheries Service (NMFS) and should refer to the NOAA Fisheries' EFH Mapper found at: *www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper*

2. 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.

C. HISTORIC PROPERTIES

1. Section 106 of the National Historic Preservation Act

a. Federal and federally-sponsored programs and projects are reviewed under Section 106 of the National Historic Preservation Act, which requires federal agencies or applicants for federal funds, permits or licenses to consider the effects of their undertaking on historic properties (i.e., those listed in or eligible to be listed in the National Register of Historic Places).

b. The Rhode Island Historical Preservation & Heritage Commission (RIHPHC) is the state agency for historic preservation and heritage programs. (See Section V for contact information)

2. Notification Requirements for SV:

a. For RIDEM applications: For activities eligible for SV, applicants must document that the activity will have no effect on historic properties or cultural resources. Information on the location and existence of known historic resources can be obtained from the National Register of Historic Places. *https://preservation.ri.gov/historic-places/national-register/listed-properties* Documentation from the National Register shall be included with the SVNF submittal and dated. If a project meets the requirements of SV, no further authorization from USACE is required to proceed with the project. A PCN or IP is required if any activity may have an adverse effect on a historic property or cultural resource.

b. For CRMC applications: For activities eligible for SV, CRMC will notify RI HPHC and the activity is non-reporting to USACE as a PGP if there is a no effect determination. A PCN or IP is required if any activity may have an adverse effect on a historic property or cultural resource.

3. Notification Requirements for PCN:

Applicants must submit a PCN to USACE as soon as possible if the proposed activity may cause effects to historic properties or cultural resources to ensure that USACE is aware of any potential effects of the proposed activity on any historic property or cultural resource so that the consultation requirements of Section 106 of NHPA can be satisfied. All PCN submittals shall:

a. State which historic properties or cultural resources may be affected by the proposed work or include a vicinity map indicating the location of them, and

b. USACE will consult with the RI HPHC and THPOs as appropriate to determine effects to historic properties and cultural resources.

4. If you discover any previously unknown historic, cultural, or archeological remains and artifacts while performing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

5. Federal lead agencies should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Along with the application, Federal applicants shall provide USACE with the appropriate documentation to demonstrate compliance with those requirements.

6. Federal and non-federal applicants should coordinate with USACE before conducting any onsite archeological work (reconnaissance, surveys, recovery, etc.) requested by the SHPO or the THPO, as USACE 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 USACE requirements.

D. WATER QUALITY CERTIFICATIONS

1. Discharge of Pollutants:

a. All activities involving any discharge of pollutants into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws.

b. Applicants may presume that State Water Quality Standards are met with the issuance of a 401 WQC or waiver.

c. Note however, that this permit does not cover point source discharges of pollutants like construction dewatering of contaminated water; separate Federal, State, and Tribal authorizations may be required for point sources.

2. Discharges subject to Section 401 (not covered by a General Permit)

In accordance with Section 401 of the Clean Water Act, any project that may result in a discharge into Waters of the United States requires a WQC.

a. Hydropower and gas pipeline projects (subject to Federal Energy Regulatory Commission (FERC) licensing)

b. Projects requiring a permit from the Army Corps of Engineers that are not covered under a General Permit, which may include:

(1) New construction or expansion of a marina

(2) Fill or dredge in Waters of the U.S.

3. Discharges subject to State WQC Program

Projects that are not subject to a federal permit but have the potential to result in discharge of pollutants into Waters of the State require a State WQC. See *http://www.dem.ri.gov/programs/water/permits/water-quality-certification.php* for more information.

US Army Corps
of Engineers ®
New England District

Section IX: Self-Verification Notification Form

This form is required for all projects in Rhode Island unless the project is non-reporting to USACE. At least two weeks before work commences, complete all fields (write "none" if applicable) below, send this form, Official Species List (see Section VIII), site location map, project plans (not required for projects involving the installation of construction mats only) and any State or local approval(s) to:

Regulatory Division, Branch B
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751
or cenae-r-ri@usace.army.mil

State Application Number if available: _____

Applicant: _____
Address, City, State & Zip: _____
Phone and Email: _____

Agent: _____
Address, City, State & Zip: _____
Phone and Email: _____

Contractor: _____
Address, City, State & Zip: _____
Phone and Email: _____

Project Name: _____
Project Location: (provide detailed description & locus map):
Address, City, State & Zip: _____
Lat. ° N, Long ° (Decimal Degrees): _____
Waterway Name: _____

Estimated Work Dates: Start: _____ Finish: _____

Work will be done under the following GPs (circle all that apply):

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Area of Wetland Impacts (SF): Permanent: _____ Temporary: _____

Area of Waterway Impacts (SF): Permanent: _____ Temporary: _____

TOTAL Project Impact (SF): Permanent: _____ Temporary: _____

Are the total project impacts within the thresholds of the applicable GP? ☐ Yes ☐ No*
***If NO, project is not eligible for SV. Contact USACE before proceeding with project.**

Describe the specific work that will be undertaken in waters and wetlands:

_____

_____

_____

_____

Are there any historic properties located in the proposed projects vicinity? Attach supporting information from *https://preservation.ri.gov/historic-places/national-register/listed-properties*	☐ Yes	☐ No
Are there Federally listed endangered/threatened species present? (Section VIII, refer to the USFWS IPaC list)	☐ Yes	☐ No
Are vegetated shallows present that can or will be impacted?	☐ Yes	☐ No
Is there unconfined work with impact to diadromous fish?	☐ Yes	☐ No
Does work comply with the most recent RIDOT Road-Stream Crossing Design Manual (check YES if not applicable):	☐ Yes	☐ No

Will your project include any secondary effects? Secondary effects include, but are not limited to, non-tidal waters or wetlands drained, flooded, fragmented, or mechanically cleared resulting from a single and complete project. (Section VI - Definitions)

If YES, describe here:

_____

_____

_____

_____

Your 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 Rhode Island GPs. Your project may proceed under SV upon receipt of applicable state permits unless otherwise notified by USACE.

Permittee Signature: _____ **Date:** _____

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

INCIDENTAL HARASSMENT AUTHORIZATION

The National Oceanic and Atmospheric Administration (NOAA) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to incidentally harass marine mammals, under the following conditions:

1. This incidental harassment authorization (IHA) is valid from February 1, 2024 through January 31, 2025.

2. This IHA authorizes take incidental to the specified construction activities in the NOAA's 2022 IHA application, associated with the relocation of NOAA vessels at Naval Station Newport, RI. Hereafter (unless otherwise specified) the term "pile driving" is used to refer to both pile installation and pile removal.

3. General Conditions

   (a) A copy of this IHA must be in the possession of the Holder of the Authorization (Holder), supervisory construction personnel, lead protected species observers (PSOs), and any other relevant designees of the Holder operating under the authority of this IHA at all times that activities subject to this IHA are being conducted.

   (b) The species and/or stocks authorized for taking are listed in Table 1. Authorized take, by Level A and Level B harassment only, is limited to the species and numbers listed in Table 1.

   (c) The taking by serious injury or death of any of the species listed in Table 1 or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA. Any taking exceeding the authorized amounts listed in Table 1 is prohibited and may result in the modification, suspension, or revocation of this IHA.

   (d) The Holder must ensure that construction supervisors and crews, the monitoring team, and relevant NOAA staff are trained prior to the start of construction activity subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

4. Mitigation Requirements

   (a) The Holder must employ PSOs and establish monitoring locations as described in Section 5 of this IHA and the Marine Mammal Monitoring Plan. The holder must monitor the project area to the maximum extent possible based upon the required number of PSOs, required monitoring locations, and environmental conditions.

(b) Monitoring must take place from 30 minutes prior to initiation of construction activities, including pile driving, down-the-hole hammering (DTH), rotary drilling, (hereafter referred to as "construction activities") (*i.e.*, pre-start clearance monitoring) through 30 minutes of completion of post construction activity.

(c) If a marine mammal is observed entering or within the shutdown zones indicated in Table 2, construction activities must be delayed or halted. Construction activities must be commenced or resume as described in condition 4 (e) of this IHA.

(d) Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in Table 2 are clear of marine mammals. Construction activities may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals.

(e) If construction activities are delayed or halted due to the presence of a marine mammal, the activities may not commence of resume until the animal has voluntarily exited or been visually confirmed beyond the shutdown zone indicated in Table 2, or 15 minutes have passed without redetection of the animal.

(f) Construction activities must be halted (as described in condition 4(c) of this IHA) upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within the harassment zone, as shown in Table 2.

(g) A minimum shutdown zone of 10 m must be established for all construction activities. If the Level A shutdown zone is too large to monitor, a shutdown zone will be established 200 m from the acoustic source.

(h) The Holder must use soft start procedures when impact pile driving. Soft start requires contractors to provide an initial set of three strikes from the hammer at reduced energy, following a 30-second waiting period, then two subsequent reduced energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

(i) The Holder, construction supervisors and crews, PSOs, and relevant NOAA staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes with 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct interaction.

(j) Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain, night), the Holder shall delay construction activities until observers are confident marine mammals within the shutdown zone could be detected.

5. Monitoring

(a) Marine mammal monitoring must be conducted in accordance with the conditions in this section, the Monitoring Plan, and this IHA. NOAA shall submit a Marine Mammal Monitoring Plan to NMFS for approval in advance of construction.

(b) Monitoring must be conducted by qualified, NMFS-approved PSOs, in accordance with the following conditions:

(i) PSOs must be independent (*i.e.*, not construction personnel) and have no other assigned tasks during monitoring periods.

(ii) At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(iii) Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(iv) Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

(v) PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

(c) The Holder must establish monitoring locations with the best views of monitoring zones as described in the Marine Mammal Monitoring Plan. For all construction activities, a minimum of two PSOs must be assigned to each active pile driving/DTH/rotary drilling location to monitor shutdown zones.

(d) PSOs must record all observations of marine mammals, regardless of distance from the pile being driven or the construction activity taking place (i.e., DTH, rotary drilling, rock hammering), as well as the additional data indicated in Section 6 of this IHA.

(e) Acoustic monitoring must be conducted in accordance with the Acoustic Monitoring Plan. NOAA must conduct hydroacoustic data collection (sound source verification and propagation loss) in accordance with an acoustic monitoring plan that must be approved by NMFS in advance of construction.

6. Reporting

(a) The Holder must submit its draft report(s) on all monitoring conducted under the IHA within 90 calendar days of the completion of marine mammal and acoustic monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within thirty days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within thirty calendar days, the report shall be considered final.

(b) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.taylor@noaa.gov*.

(c) The marine mammal report must contain the informational elements described in the Monitoring Plan and, at minimum, must include:

(i) Dates and time (beginning and end) of all marine mammal monitoring;

(ii) Construction activities occurring during each daily observation period, including:

A. The number and type of piles that were driven or removed and the method (*e.g.,* impact, vibratory, rotary drill, DTH);

B. Total duration of driving time for each pile (vibratory driving) and number of strikes for each pile (impact driving); and

C. For DTH, duration of operation for both impulsive and non-pulse components.

(iii) PSO locations during marine mammal monitoring;

(iv) Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;

(v) Upon observation of a marine mammal, the following information:

A. Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting;

B. Time of sighting;

C. Identification of the animal(s) (e.g., genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;

D. Distance and location of each observed marine mammal relative to the pile being driven for each sighting;

E. Estimated number of animals (min/max/best estimate);

F. Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);

G. Animal's closest point of approach and estimated time spent within the harassment zone;

H. Description of any marine mammal behavioral observations (*e.g.,* observed behaviors of any feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (e.g., no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

(vi) Number of marine mammals detected within the harassment zones, by species; and

(vii) Detailed information about implementation of any mitigation (e.g., shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

(d) The Holder must submit all PSO datasheets and/or raw sighting data with the draft report, as specified in condition 6(a) of this IHA.

(e) The acoustic monitoring report must contain the informational elements described in the Acoustic Monitoring Plan and, at minimum, must include:

(i) Hydrophone equipment and methods: Recording device, sampling rate, distance (m) from the pile where recordings were made; depth of water and recording device(s);

(ii) Type and size of pile being driven, substrate type, method of driving during recordings (*e.g.,* hammer model, energy), and total pile driving duration;

(iii) Whether a sound attenuation device is used and, if so, a detailed description of the device and the duration of its use per pile;

(iv) For impact pile driving (per pile) of DTH: Number of strikes and strike rate, depth of substrate to penetrate; pulse duration and mean, median, and maximum sound levels (dB re: 1 µPa); root mean square sound pressure level (SPL_{rms}), cumulative sound exposure level (SEL_{cum}), peak sound pressure level (SPL_{peak}), and single strike exposure sound level (SEL_{s-s});

(v) For vibratory driving/removal (per pile), rotary drilling, and rock hammering: Duration of driving per pile; mean, median, and maximum sound levels (dB re: 1 µPa): root mean square sound pressure level (SPL_{rms}), cumulative sound exposure level (SEL_{cum}) (and timeframe over which the sound is averaged); and

(vi) One-third octave band spectrum and power spectral density plot.

(vii) Collect and evaluate acoustic sound record levels for 10 percent of the new rotary drilling, DTH excavation (DTH mono-hammer and cluster drill) activities.

(viii) Collect environmental data, including but not limited to, the following: wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing the airborne and underwater sound levels (*e.g.,* aircraft, boats, etc.).

(f) Reporting injured or dead marine mammals:

In the event that personnel involved in construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.taylor@noaa.gov*) and to the Greater Atlantic Region New England/Mid-Atlantic Regional Stranding Coordinator (978-282-8478 or 978-281-9291) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS.

The report must include the following:

(i) Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

(ii) Species identification (if known) or description of the animal(s) involved;

(iii) Condition of the animal(s) (including carcass condition if the animal is dead);

(iv) Observed behaviors of the animal(s), if alive;

(v) If available, photographs or video footage of the animal(s); and

(vi) General circumstances under which the animal was discovered.

7. This Authorization may be modified, suspended or revoked if the holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.

8. Renewals

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities are planned or (2) the specified activities would not be completed by the time this IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:

(a) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (the Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).

(b) The request for renewal must include the following:

(i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

(c) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

DAMON RANDALL.KIMBERLY.BETH.1365821093

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12/15/2022

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

Date

Table 1. Authorized Incidental Take

Common Name	Species Name	Stock	Level A Harassment	Level B Harassment
Atlantic white-sided dolphin	*Lagenorhynchus acutus*	Western North Atlantic	0	16
Short-beaked common dolphin	*Delphinus delphis*	Western North Atlantic	0	39
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	2	40
Harbor seal	*Phoca vitulina*	Western North Atlantic	56	2,067
Gray seal	*Halichoerus grypus*	Western North Atlantic	11	437
Harp seal	*Pagophilus groenlandicus*	Western North Atlantic	4	164
Hooded seal	*Cystophora cristata*	Western North Atlantic	0	10

Table 2. Shutdown Zones and Level B harassment Zones by Activity

		Shutdown Zones (m)		Level B Harassment Zones (m)
Pile type/size	Driving Method	Cetaceans	Pinnipeds	All Marine Mammals
12" steel pipe	Vibratory extraction	10	10	2,600
12" timber	Vibratory extraction	15	10	1,359
16" steel pipe	Vibratory install/extract	20	10	6,400
	Impact install	200	200	640
	Vibratory install	30	15	6,400
	Mono-hammer DTH	200	200	Maximum harassment zone [1]
18" steel pipe	Rotary drilling 18" holes	10	10	1,900
Z26-700 steel sheets	Vibratory install	15	10	2,600
	Impact install	200	200	2,600
	Vibratory install	55	25	Maximum harassment zone [1]
30" steel pipe	Rotary drilling	10	10	1,900
	Impact install	200	200	3,400
36" steel pipe	Vibratory install	90	40	Maximum harassment zone [1]
36" shafts	Mono-hammer DTH	200	200	Maximum harassment zone [1]

[1] Harassment zone will be truncated due to the presence of intersecting land masses and would encompass a maximum area of 3.31 km^2.