

**BID ADDENDUM #1
MARCH 24, 2016**

**FORMER AMERBELLE MILL – PHASE 2
RFP #1082-03-31-16
VERNON, CONNECTICUT**

This Bid Addendum #1 has been prepared to clarify to bidders the deadline for the submittal of questions and to provide all bidders a copy of the Category 1 authorization from the United States Army Corps of Engineers (ACOE) and referenced Connecticut General Permit.

1. The deadline for submittal of written bidder's questions is Friday, March 25, 2016 at 5:00 p.m. All questions are to be submitted to the Engineer in writing electronically via email (stephen.raymond@gza.com). Receipt of questions time stamped later than 5:00 p.m. on March 25, 2016 will not be answered.
2. The ACOE Category 1 Permit and the referenced Connecticut General Permit for the Work related to the construction of the new dam and associated improvements within the raceway is attached for the bidder's reference. Bidders are responsible for complying with all requirements of these permits.

Attachment: ACOE Permit Number NAE-2016-438
Department of the Army General Permit State of Connecticut and Lands Located
within the Boundaries of an Indian Reservation



REPLY TO
ATTENTION OF

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

March 10, 2016

Regulatory Division
CENAE-R-PEB
Permit Number: NAE-2016-438

Town of Vernon
C/o David Smith
104 East Main Street
Vernon, CT 06066

Dear Mr. Smith:

We have reviewed your Category 1 Certification Form which describes work you propose to do on the Hockanum River at 104 East Main Street in Vernon, CT. The Town proposes to relocate the Paper Mill Pond Dam within the existing man-made raceway, which includes 990 SF of direct impact from the placement of the new dam and 1100 SF of impacts from the placement of a temporary cofferdam in the River. The work is described on the enclosed plans entitled "Town of Vernon/Former Amerbelle Mill-Phase 2" on six sheets.

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual and cumulative impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 1 activity under the enclosed Federal permit known as the Connecticut General Permit (GP). This work must be performed in accordance with the terms and conditions of the GP.

You are responsible for complying with all of the GP's requirements. Please review the enclosed GP carefully; in particular the GP conditions, to be sure you understand its requirements. You should ensure that whoever does the work also fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway.

The GP provides one year for completion of work that has commenced or is under contract to commence prior to this GP's expiration on July 15, 2016. For work within Corps jurisdiction that is not completed by July 15, 2017, you will need to review any reissued GP to see if your project is still authorized under Category 1. If it is no longer authorized, you must submit an application and receive written authorization before you can proceed.

This authorization requires you to complete and return the enclosed Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

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 all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to this office.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Please contact Barbara Newman, of my staff, at (978) 318-8515 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. DeSista". The signature is fluid and cursive, with a large initial "R" and "D".

Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

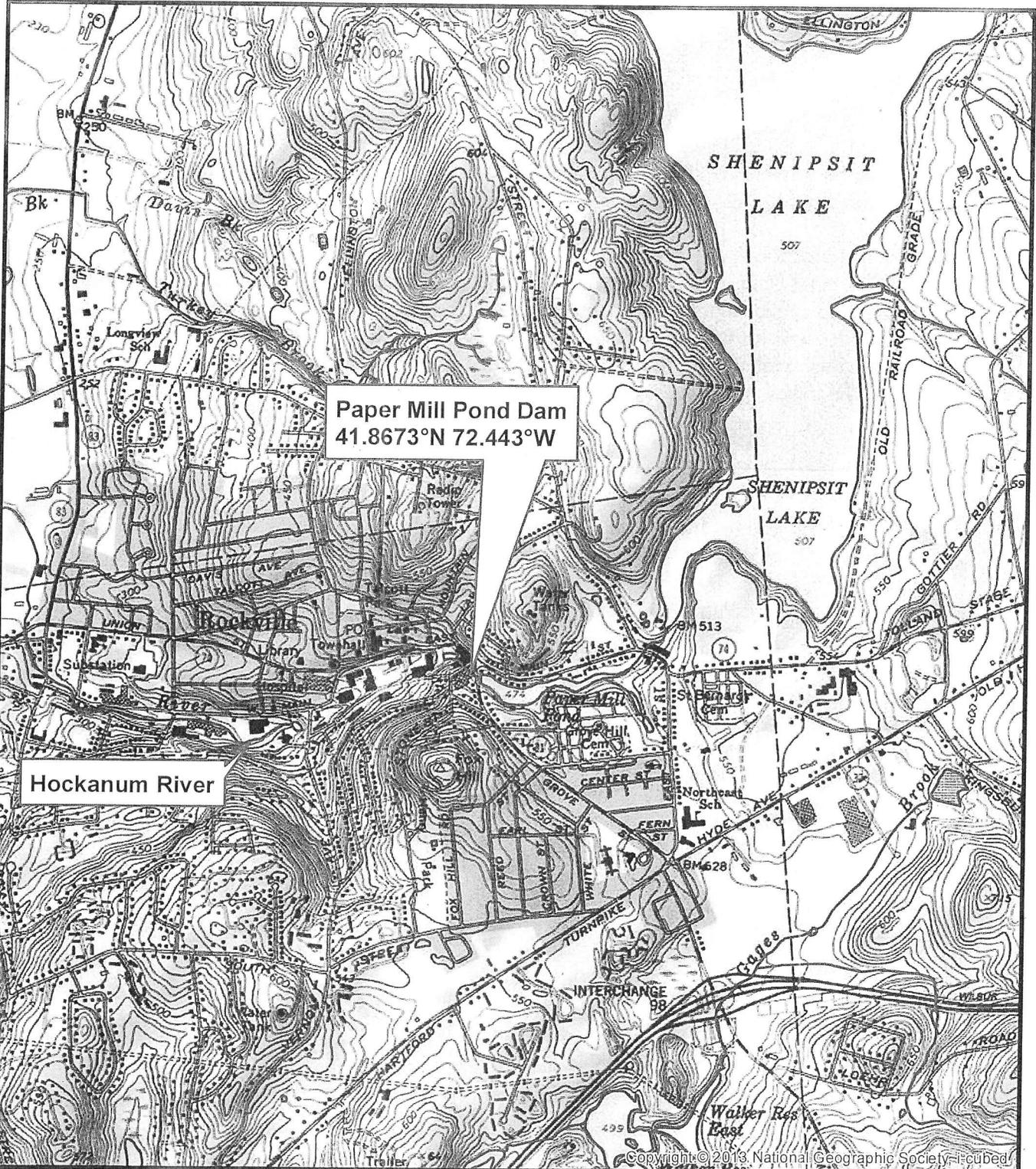
Enclosure:

Copy furnished:

CT DEEP- Robert Gilmore- by email

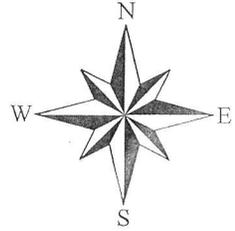
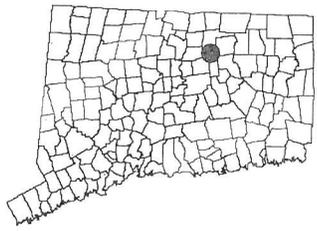
GZA – Peter Baril, peter.baril@gza.com- by email

J:\Branch\NORWOOD\PHB\A\merbelle Vernon CT Paper Mill Pond Dam\Figures\GIS\mxd\Locus.mxd



Paper Mill Pond Dam
41.8673°N 72.443°W

Hockanum River



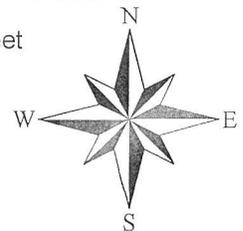
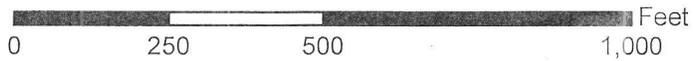
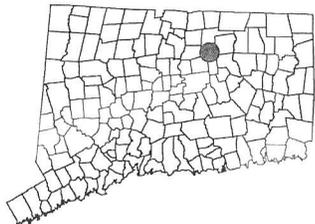
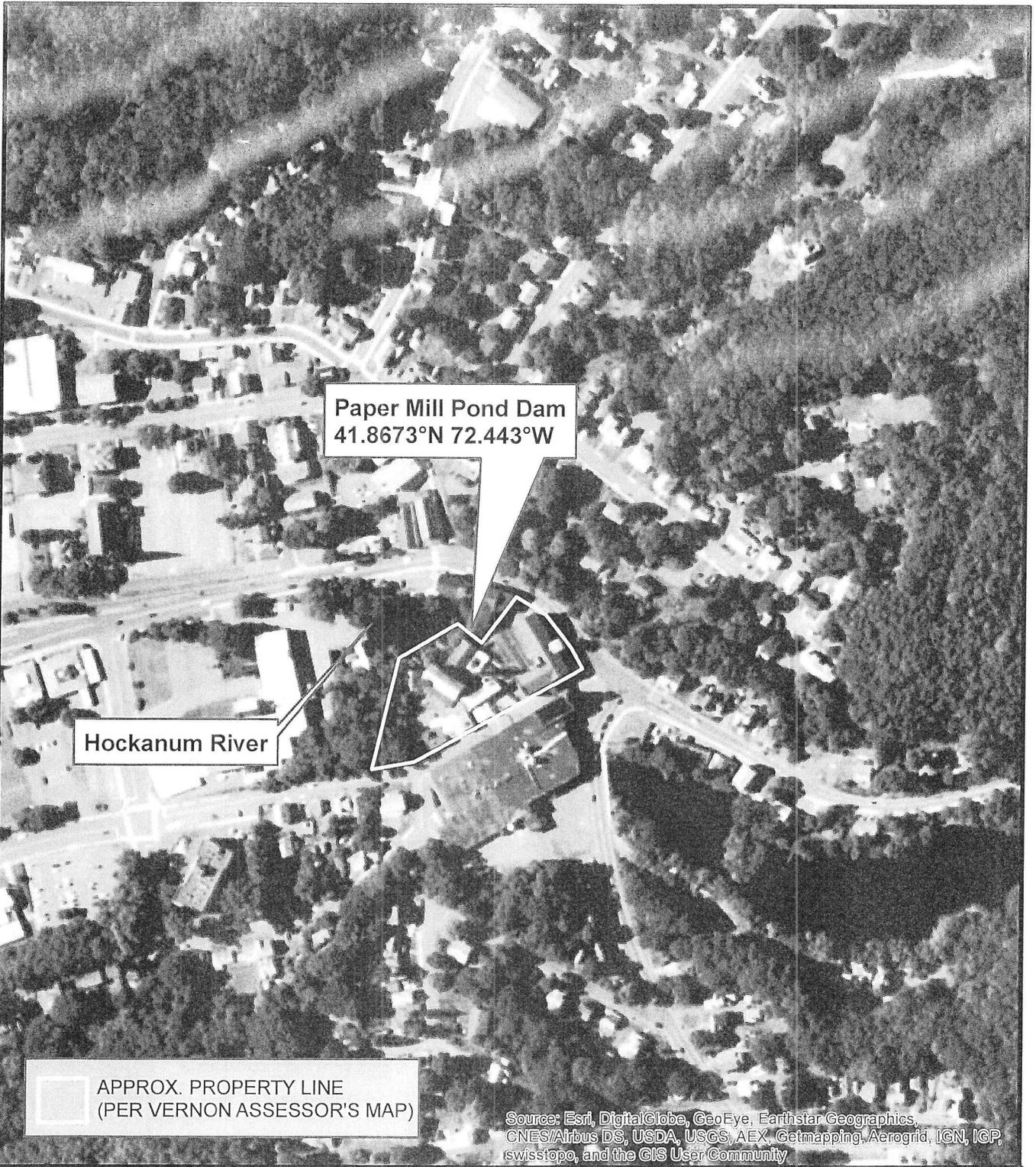
Basemap from ESRI USA Topo Maps



PROJ. MGR.: PHB
DESIGNED BY: CES
REVIEWED BY: PHB
OPERATOR: CES
DATE: 02/2/2016

LOCUS MAP
PAPER MILL POND DAM, CT DEEP #14606
FORMER AMERBELLE MILL
TOWN OF VERNON, CONNECTICUT

JOB NO.
05.0045441.01
FIGURE NO.
1



Basemap from ESRI World Imagery Maps



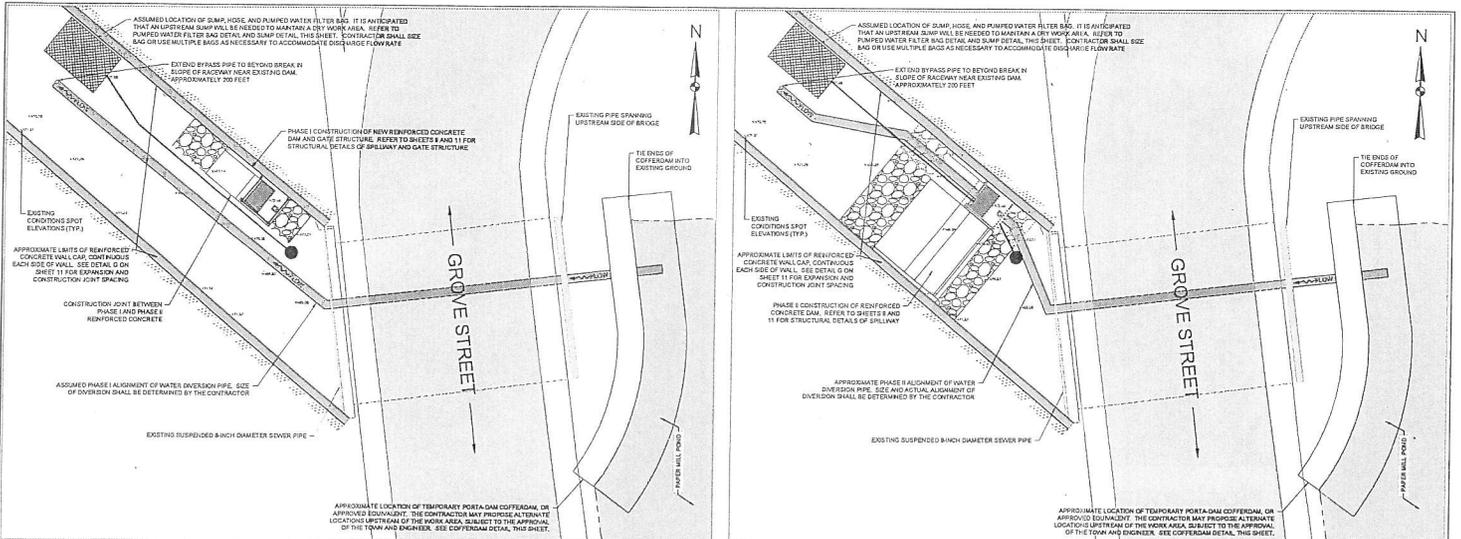
PROJ. MGR.: PHB
 DESIGNED BY: CES
 REVIEWED BY: PHB
 OPERATOR: KCM
 DATE: 02/2/2016

AERIAL PHOTOGRAPH
 PAPER MILL POND DAM, CT DEEP #14606

FORMER AMERBELLE MILL
 TOWN OF VERNON, CONNECTICUT

JOB NO.
 05.0045441.01

FIGURE NO.
 2



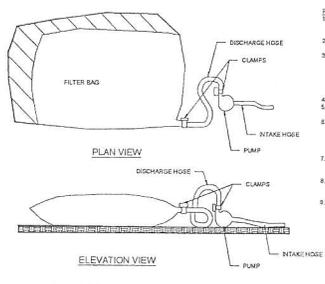
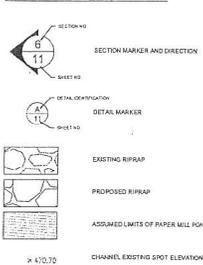
PHASE I - SCHEMATIC WATER CONTROL AND CONSTRUCTION PHASING PLAN
NOT TO SCALE

PHASE II - SCHEMATIC WATER CONTROL AND CONSTRUCTION PHASING PLAN
NOT TO SCALE

GENERAL CONSTRUCTION PHASING NOTES:

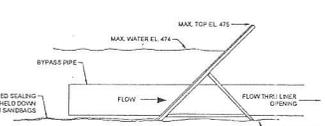
- IT IS ANTICIPATED THAT THE DAM CONSTRUCTION WILL FOLLOW BUILDING DEMOLITION ACTIVITIES AT THE SITE.
- THE DAM LOCATION WITHIN AN APPROXIMATELY 15 FOOT HIGH NARROW CHANNEL. EQUIPMENT ACCESS WILL LIKELY BE LIMITED. THE CONTRACTOR SHALL ENSURE EQUIPMENT, MATERIALS, OR OTHER LOADS DO NOT DAMAGE THE EXISTING WALLS OR CAUSE THEM TO BECOME INSTABLE.

LEGEND



PUMPED WATER FILTER BAG NOTES:

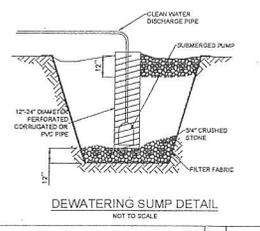
- CONTRACTOR SHALL LOCATE FILTER BAG TO COMPLY WITH REQUIREMENTS BELOW. LOCATION IS SUBJECT TO APPROVAL BY THE ENGINEER.
- FILTER BAGS SHALL BE USED TO FILTER WATER PUMPED FROM DISTURBED AREAS PRIOR TO DISCHARGING.
- FILTER BAGS SHALL BE MADE FROM NON-WOVEN GEOTEXTILE MATERIAL. BAGS WITH HIGH STRENGTH DOUBLE TYPED 17" TYPE SEALS. FILTER BAGS SHALL BE CAPABLE OF TRAPPING MATERIAL DOWN WITH HIGH FLOWS. CONTRACTOR SHALL PROVIDE A SUITABLE MEANS OF ACCESSING THE BAG WITH MACHINERY FOR DEMOLITION PURPOSES.
- FILTER BAGS SHALL BE REPLACED WHEN THEY BECOME FULL.
- SEALS SHALL BE KEPT AVAILABLE FOR REPLACEMENT OF THOSE THAT HAVE FAILED OR ARE FILLED.
- BAGS SHALL BE LOCATED IN THE RACEWAY CHANNEL, DOWNSTREAM OF THE WORK AREA. BAGS SHALL NOT BE PLACED IN A LOCATION GREATER THAN 50 FEET FROM THE DAM. IF POSSIBLE, THE CONTRACTOR SHALL PLACE STONE TO PROVIDE A STABLE LOCATION FOR THE FILTER BAG.
- THE RAMP INCREASED HOSE SHALL BE INSTALLED INTO THE BAGS IN THE MANNER SPECIFIED BY THE MANUFACTURER AND SECURED TO THE BAGS.
- THE PUMPING RATE SHALL BE NO GREATER THAN 100 GPM OR 1/4 THE MAXIMUM CAPACITY OF THE MANUFACTURER, WHICHEVER IS LESS. PUMP INTAKES SHALL BE FLOATING AND SCREENED. FILTER BAGS SHALL BE INSPECTED DAILY. IF ANY PROBLEM IS DETECTED, PUMPING SHALL CEASE IMMEDIATELY AND NOT RESUME UNTIL THE PROBLEM IS CORRECTED.



SCHEMATIC COFFERDAM DETAIL
NOT TO SCALE

- OPTIONAL ATTACHMENTS:**
- BACK BRACE POLE
 - HORIZONTAL, ADDITIONAL BRACING
 - SPIGOLE FRAME ATTACHMENTS FOR IRREGULAR CONTOURS
- PHASE 1:** OUTLET BY-PASS PIPES SUCH THAT BY-PASS FLOW IS ROUTED THROUGH LEFT SIDE OF CHANNEL.
- PHASE 2:** OUTLET BY-PASS PIPES SUCH THAT BY-PASS FLOW IS ROUTED THROUGH NEWLY CONSTRUCTED LOW-LEVEL OUTLET GATE.

- NOTES:**
- OTHER COFFERDAM SYSTEMS (e.g. WATER FILLED BLADDER, SAND FILLED SACKS) OR SIMILAR SYSTEMS MAY BE USED PROVIDED THEY HAVE EQUAL OR LESSER TEMPORARY IMPACTS TO WETLANDS RESOURCES AND ARE APPROVED FOR USE BY THE ENGINEER.
 - THE CONTRACTOR SHALL ENGAGE A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF CONNECTICUT TO DESIGN AND STAMP THE TEMPORARY COFFERDAM PROVIDED FOR USE IN THE WORK AT NO ADDITIONAL COST TO THE OWNER.



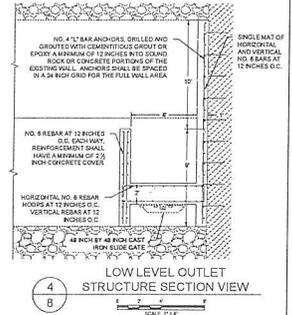
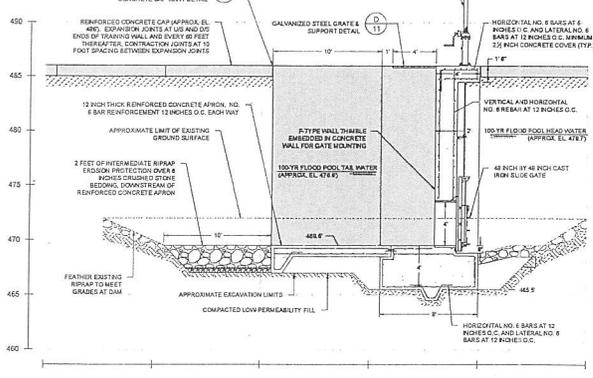
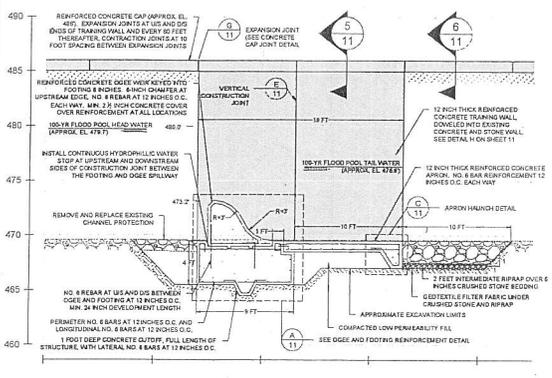
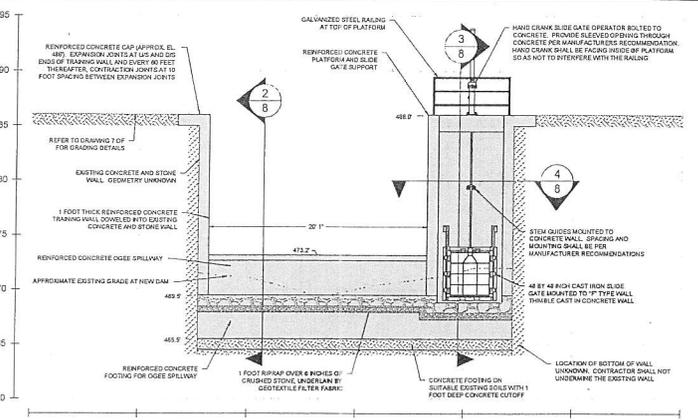
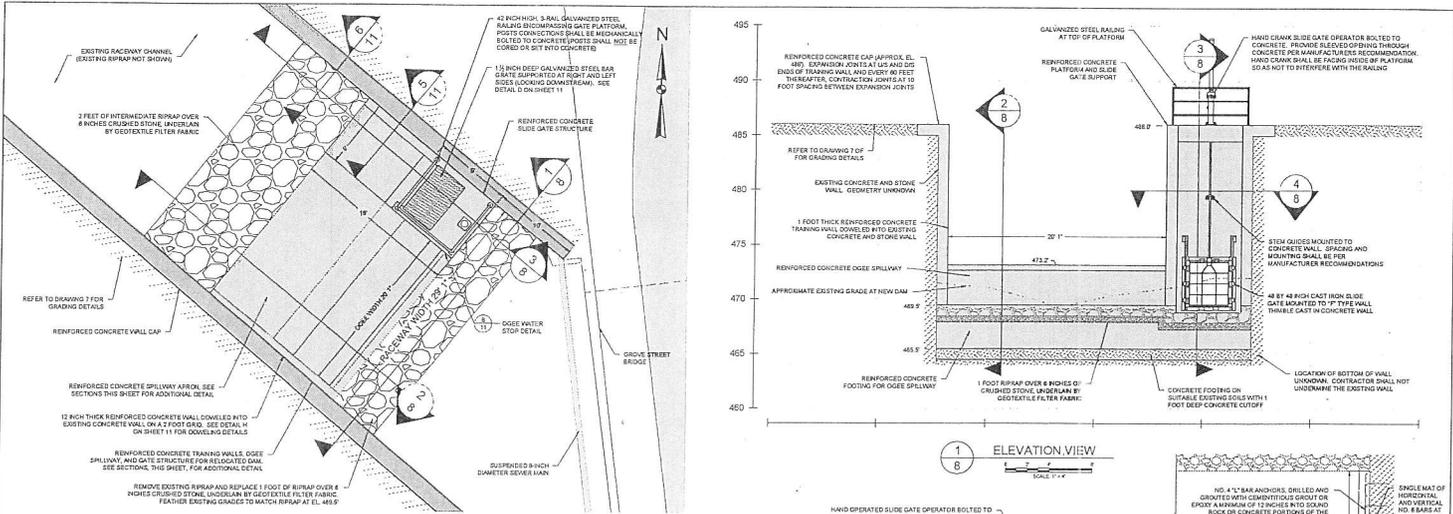
DEWATERING SUMP DETAIL
NOT TO SCALE

NO.	ISSUE/DESCRIPTION	BY	DATE

PREPARED BY: GZA Geo-Environmental, Inc. ENGINEERS AND ENVIRONMENTALISTS
 CHECKED BY: GZA
 DESIGNED BY: GZA
 DATE: 2-12-2016

PROJECT: FORMER AMERBELLE MILL - PHASE 2
 DRAWING: CONSTRUCTION PHASING AND WATER CONTROL PLAN
 SCALE: AS NOTED
 SHEET NO.: 5

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NO.	REVISION	DATE	BY	CHKD.

TOWN OF VERNON
FORMER AMERISLE MILL - PHASE 2
FINAL CONDITIONS AND SECTIONS
DAM

PROJECT: OZA Environmental, Inc. EQUIPMENT AND SERVICES
PREPARED BY: THE TOWN OF VERNON, CONNECTICUT
PROJ. NO: 05-0045441-05
DESIGNED BY: ONC INCHES: PNB SCALE: AS SHOWN
DATE: 2-12-2016 05:00:44:01 05

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US Army Corps
of Engineers®
New England District

WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

* MAIL TO: U.S. Army Corps of Engineers, New England District *

*

* Permits and Enforcement Branch *

* Regulatory Division *

* 696 Virginia Road *

* Concord, Massachusetts 01742-2751 *

Corps of Engineers authorization number NAE-2016-438 was issued to the Town of Vernon to relocate the Paper Mill Pond Dam within the existing man-made raceway, which includes 990 SF of direct impact from the placement of the new dam and 1100 SF of impacts from the placement of a temporary cofferdam in the Hockanum River located at 104 East Main Street, Vernon, CT.

Those (e.g., contractor) listed below will do the work and understand the permit's terms and conditions.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Numbers: () _____ () _____

Email: _____

Proposed Work Dates: Start: _____ Finish: _____

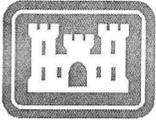
Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

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

FOR USE BY THE CORPS OF ENGINEERS

PM: Barbara Newman **Submittals Required:** _____



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

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2016-438

Project Manager Barbara Newman

Name of Permittee: Town of Vernon

Permit Issuance Date: March 10, 2016

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

 * MAIL TO: U.S. Army Corps of Engineers, New England District *
 * Permits and Enforcement Branch B *
 * Regulatory Division *
 * 696 Virginia Road *
 * Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number

Effective Date: July 15, 2011

Expiration Date: July 15, 2016

Applicant: General Public in the State of Connecticut & Lands Located within the Boundaries of an Indian Reservation

**DEPARTMENT OF THE ARMY
GENERAL PERMIT**

STATE OF CONNECTICUT

&

**LANDS LOCATED WITHIN THE
BOUNDARIES OF AN INDIAN RESERVATION¹**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues a General Permit (GP) for activities in waters of the United States (U.S.) that have minimal individual and cumulative impacts on the aquatic environment within the State of Connecticut and lands located within the exterior boundaries of an Indian reservation.

This GP is separated into sections. **Section 1** is for activities occurring within Inland Waters and Wetlands within the State of Connecticut. **Section 1A** is for activities occurring within Inland Waters and Wetlands located within the boundaries of Mashantucket. **Section 2** is for activities occurring within Tidal, Coastal and Navigable Waters.

In order for activities to qualify for this GP, they must meet the GP's terms and eligibility criteria and stipulations listed in the Definition of Categories (Appendices 1 and 2) as well as the GP's general conditions.

¹ Indian reservation lands are considered a sovereign nation, and are therefore acknowledged separately from the State of Connecticut for purposes of this General Permit.

CONNECTICUT GENERAL PERMIT

General Conditions

The following conditions, as well as Appendices 1 and 2 apply to **ALL** activities authorized under this GP unless otherwise specified.

- 1. Other Permits.** Authorization under this General Permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
- 2. Federal Jurisdictional Boundaries.** Applicability of this GP shall be evaluated with reference to Federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries depicted satisfy the Federal criteria defined at 33 CFR 328-329. Wetland boundaries need to be delineated for all wetlands on the subject parcel(s), including isolated wetlands and/or vernal pools. This requirement can be waived by the Corps and Connecticut Department of Energy & Environmental Protection, (CT DEEP) on a case-by-case basis and after coordination with the resource agencies. Wetland boundaries shall be delineated in accordance with the applicable Corps of Engineers Wetlands Delineation Manual and regional supplement. For Corps Wetland Delineation Manual, regional supplements and data sheets, and the National List of Plant Species that Occur in Wetlands, visit our website at www.nae.usace.army.mil/reg and then click on “Jurisdictional Limits and Wetlands”. The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists which can be found at <http://soils.usda.gov/use/hydric>. For the Field Indicators for Identifying Hydric Soils in New England, visit: www.neiwpcc.org/hydricsoils.asp.
- 3. Minimal Direct, Secondary and Cumulative Impacts.**
 - a. Projects authorized by this general permit shall have no more than minimal direct, secondary and cumulative adverse environmental impacts. Applicants shall provide information on secondary and cumulative impacts.
 - b. Secondary impacts to waterway and/or wetland areas, (e.g., areas drained, flooded, cleared, excavated or fragmented) shall be added to the total fill area when determining whether the project qualifies for Category 1 or 2. Site clearing, grading and construction activities in the upland habitat within 750 feet surrounding vernal pools are secondary impacts. **(NOTE: Not applicable for activities within the exterior boundaries of the Mashantucket Reservation—see additional criteria specified within Appendix 1)**
 - c. 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

Mitigation will generally be required to offset unavoidable direct, secondary and temporary impacts in accordance with the April 10, 2008 Mitigation Rule 33 CFR 332. See **General Condition 15** below for additional information regarding mitigation.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require an Individual Permit review based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR 320.4(a)]. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant Individual Permit review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project. Whenever the Corps notifies an applicant that an Individual Permit may be required, authorization under this GP is voided and no work may be conducted until a Corps Individual Permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may be reviewed under this GP.

5. Single and Complete Projects means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.

- a. This GP shall not be used for piecemeal work and shall be applied to single and complete projects. When determining eligibility for a single and complete project, proponents must include any permanent historic fill placed since August 1993 that is associated with that project and all currently proposed temporary and permanent impact areas.
- b. 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.
- c. Unless the Corps determines the activity has independent utility:
 - (1) This GP shall not be used for any activity that is part of an overall project for which an Individual Permit is required.
 - (2) All components of a single project and/or all planned phases of a multi-phased project shall be treated together as constituting one single and complete project.
- d. For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e. single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. If any crossing requires a Category 2 review or an individual permit, then the entire linear project shall be reviewed as one project under Category 2 or the individual permit procedures.

6. Permit On-Site. For Category 2 projects, the permittee shall ensure that a copy of this GP and the accompanying authorization letter are at the work site (and the project office) authorized by this GP 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 any and all contracts and sub-contracts for work that

affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means this GP, including General Conditions and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or 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 GP authorization, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

7. Historic Properties. Any activity authorized by this GP shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Connecticut Commission on Culture and Tourism, Historic Preservation and Museum Division, the National Register of Historic Places and the Tribal Historic Preservation Officer (THPO) of both the Mashantucket Pequot Tribe and the Mohegan Tribe. Project proponents shall apply to the Corps for all projects that would otherwise qualify for Category 1 if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. . These projects may be eligible under Category 2. If the permittee, while accomplishing the activity authorized by this permit, encounters a previously unidentified archaeological or other cultural resource that might be eligible for listing in the National Register of Historic Places, he/she shall immediately notify the District Engineer. The historic properties contacts can be found on Appendix 4.

8. National Lands. Any of the following is not eligible under Category 1:

- a. 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.
- b. Work on Corps properties and/or Corps-controlled easement. Contact the Corps Real Estate Division at (978)318-8585 to initiate reviews about both Corps holdings and permit requirements.
- c. Any proposed temporary or permanent modification or use of a federal project (including but not limited to a levee, dike, floodwall, channel, seawall, bulkhead, jetty, wharf pier, or other work built by the United States), which would obstruct or impair the usefulness of the federal project in any manner, and/or would involve changes to the authorized federal project’s scope, purpose, and/or functioning that go beyond minor modifications required for normal operations and maintenance and is not eligible for Category 1 and requires review and approval by the Corps pursuant to 33 USC 408.

9. Federal Threatened and Endangered Species.

- a. No activity may be authorized under this GP (Category 1 or 2) which would:
 - (1) Be “likely to adversely affect” a threatened or endangered species, a proposed species, designated or proposed critical habitat (all herein referred to as “listed species or habitat”) as identified under the federal Endangered Species Act (ESA),
 - (2) Result in a “take” of any federally-listed, threatened or endangered species of fish or wildlife, or
 - (3) Result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.
- b. No activity may be authorized under Category 1 if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat (see (c) below). The following USFWS and NMFS sites must be referenced to ensure that listed species or critical habitat are not present in the action area or to provide information on federally-listed species or habitat:
www.fws.gov/newengland/EndangeredSpec-ConsultationProject_Review.htm and
www.nero.noaa.gov/prot_res/esp/ListE&Tspec.pdf.
- c. Proponents must submit an application if any of the activities in (a) or (b) may occur and provide information on federally-listed species or habitat to allow the Corps to conduct any required consultation under Section 7 of the ESA. The Endangered Species Act Consultation Handbook – Procedures for Conducting Section 7 Consultations and Conferences, defines action areas as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action”. [50 CFR 402.02]

10. Essential Fish Habitat. As part of the GP reviewing process, the Corps will coordinate with the NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “Essential Fish Habitat,” (EFH) and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.” All species managed under the MSA have had EFH designations. There are 61 species with EFH in the coastal waters of southern New England. Applicants may be required to describe and identify potential impacts to EFH. For instance, in Connecticut, this act protects Atlantic salmon (*Salmo salar*) habitat. Any work in the main stem or tributary streams of the Connecticut River watershed that are being managed for Atlantic salmon are **NOT** be eligible for authorization under Category 1 of this GP because the activity requires screening for potential impacts to designated EFH. Conservation recommendations regarding the protection of EFH for species managed under the MSA made by NMFS will normally be included as special conditions to any permit issued by the Corps. Information on the location of EFH can be obtained from NMFS. The NMFS has established a web site at www.nero.nmfs.gov/RO/DOC/appguide1.html.

11. Wild and Scenic Rivers. Any activity that occurs in the designated main stem of, within 0.25 miles up or downstream of the designated main stem of, or in tributaries within 0.25 miles of the designated main stem of a National Wild and Scenic River, or that has the potential to alter flows within a river within the National Wild and Scenic River System is not eligible for Category 1, regardless of the size of the impacts. This condition applies to both designated Wild and Scenic Rivers and rivers officially designated by Congress as study rivers for possible inclusion while such rivers are in official active study status.

The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed work on the resource values of the wild and scenic river. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river and an Individual Permit is required. If preapplication consultation between the applicant and the NPS has occurred whereby NPS has made a determination that the proposed project is appropriate for authorization under this GP (with respect to Wild and Scenic River issues), this determination should be furnished to the Corps with submission of the application.

As of May 31, 2011, affected rivers in Connecticut include: the West Branch of the Farmington River from Colebrook to Canton (designated river); the Eightmile River and tributaries in Salem, Lyme and East Haddam (designated river); and the Lower Farmington River from Canton to Windsor (study river – including its tributary Salmon Brook).

Additional information can be found at: <http://www.rivers.gov/wildriverslist.html> and scrolling down to “Connecticut”.

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

13. Navigation.

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

14. 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; and
- d. design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

15. Avoidance, Minimization and Compensatory Mitigation.

- a. Discharges of dredged or fill material into waters of the U.S., including wetlands, shall be avoided and minimized to the maximum extent practicable. Compensatory mitigation of unavoidable direct and indirect impacts (including temporal loss) is expected for all Category 2 projects. The mitigation will need to be sufficient to replace the suite of aquatic resource functions and services lost as a result of the permitted activity (see the NAE Mitigation Guidance and Recommended Ratios at <http://www.nae.usace.army.mil/reg/Mitigation/CompensatoryMitigationGuidance.pdf>).

Applicants can also pursue minimization by the implementation of low impact development (LID) practices to reduce impervious cover and better manage stormwater. Examples of LID best management practices include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or, adding a green roof or rain garden. For additional information on these best management practices, including applicability and maintenance and cost considerations, please see <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm> and click on post construction.

For additional information see the Corps website at <http://www.nae.usace.army.mil/reg> and click on “Mitigation” to view the April 10, 2008 “Final Compensatory Mitigation Rule” (33 CFR 332) and related documents. The Q&A document states: “In order to reduce risk and uncertainty and help ensure that the required compensation is provided, the rule establishes a preference hierarchy for mitigation options. The most preferred option is mitigation bank credits, which are usually in place before the activity is permitted. In-lieu fee (ILF) program credits are second in the preference hierarchy, because they may involve larger, more ecologically valuable compensatory mitigation projects as compared to permittee-responsible mitigation. Permittee-responsible mitigation is the third option, with three possible circumstances: (1) conducted under a watershed approach, (2) on-site and in kind, and (3) off-site/out-of-kind. While Connecticut is lacking In-Lieu-Fee and Mitigation Bank choices, mitigation will be required on a case-by-case basis. However, when such choices are available, mitigation will be required for all Category 2 projects. Mitigation will become more practical as additional ILF and Banking choices become available in Connecticut.

- b. For coastal structures such as piers and docks, the height above the marsh at all points should be equal to or exceed the width of the deck. The height shall be measured from the marsh substrate to the bottom of the longitudinal support beam. This will help ensure sunlight reaches the area beneath the structure.

- c. Coastal floats must be supported at least 18” above the intertidal and shallow sub-tidal substrate during all tidal cycles.

16. Heavy Equipment in Wetlands. Operating heavy equipment other than fixed equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall either have low ground pressure (typically <3 psi), or it shall be placed on swamp/construction/timber mats (herein referred to as “construction mats”) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization. Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen or dry conditions (see General Condition 17 below). An adequate supply of spill containment equipment shall be maintained on site.

17. Temporary Fill. Fill placed into waters of the U.S. (including wetlands) totaling greater than or equal to 5,000 square feet in total area (i.e., the sum of permanent and temporary fill areas) exceeds the Category 1 threshold and may not be discharged without written authorization from the Corps. When temporary fill is used (e.g., access roads, swamp mats, cofferdams), it shall be stabilized and maintained during construction in such a way as to prevent its eroding into portions of waters of the U.S. where it is not authorized and shall be removed immediately following construction. The following criteria must also be met:

- a. Unconfined temporary fill authorized for discharge into flowing water (rivers and streams) shall consist only of clean stone.
- b. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric laid on the pre-construction wetland grade. (Swamp and timber mats are excluded from this requirement.)
- c. Temporary fill shall be removed as soon as it is no longer needed, and it shall be disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- d. Waters of the U.S. where temporary fill was discharged shall be restored (see **General Condition 18**).
- e. No temporary work shall drain a water of the U.S. by providing a conduit for water on or below the surface.

18. Restoration of Inland Wetland Areas.

- a. Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) 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 in the “New England District Compensatory Mitigation Guidance”.

- 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 in order 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.

19. Coastal Bank Stabilization. Projects involving construction or reconstruction/maintenance of bank stabilization structures within Corps 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. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information on this topic, go to the Corps Coastal Engineering Manual (supersedes the Shore Protection Manual), located at <http://chl.erdc.usace.army.mil>. Select “Products/ Services,” “Publications.” Part 5, Chapter 7-8, a (2) c is particularly relevant.

20. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences, hay bales or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. These measures shall be capable of preventing erosion, of collecting sediment, suspended, and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment 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. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

21. Waterway Crossings.

- a. All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, and to maintain existing low flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
- b. Open bottom arches, bridge spans or embedded culverts are generally preferred over traditional culverts and are required for Category 1 projects. However, site constraints (e.g., placing footings) may make use of an open bottom arch, bridge span or embedded culverts impractical, and in these cases well-designed culverts may actually perform better. Project proponents shall consult with the Corps if an open bottom arch, bridge span or embedded culvert is impractical.

- c. No projects involving open trench excavation in flowing waters are allowed in Category 1 unless the permittee utilizes management techniques such as temporary flume pipes, culverts, cofferdams, etc. and maintains normal flows within the stream boundary's confines so the work does not occur in flowing waters. Projects utilizing these management techniques must meet the other Category 1 requirements and all of this GP's terms and conditions. If not, they will require review under the Category 2 screening procedures.
- d. Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams. (**Note:** areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this GP).
- e. Projects using slip lining (retrofitting an existing culvert by inserting a smaller diameter pipe), plastic pipes, and High Density Polyethylene Pipes (HDPP) are not authorized under Category 1, either as new work or maintenance activities.
- f. For projects that otherwise meet the terms of Category 1, unconfined in-stream construction work shall be conducted during the low flow period June 1 through September 30 in any year except in instances where a specific written exception has been issued by the Connecticut Department of Energy & Environmental Protection. All other projects shall be screened pursuant to Category 2, regardless of the waterway and wetland fill and/or impact area.
- g. All temporary fill must be removed as soon as it is no longer needed and all disturbed areas must be returned to their pre-construction conditions

22. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the U.S. authorized under this GP 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. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Applicants may presume that state water quality standards are met with issuance of the Section 401 WQC (Applicable only to the Section 404 activity).

23. Spawning Areas. Discharges of dredged or fill material, and/or suspended sediment-producing activities in fish and shellfish spawning or nursery areas and amphibian and waterfowl breeding areas shall be avoided. During all times of year, impacts to these areas shall be avoided to the maximum extent practicable.

24. Storage of Seasonal Structures. Coastal structures, such as pier sections and floats, that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above mean high water (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.

25. 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 environment to the extent practicable. The permittee will discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency.

26. Protection of Vernal Pools. Wetland boundaries for vernal pools and isolated wetlands on the subject parcel(s) must be delineated in accordance with Federal criteria defined at 33 CFR 328-329. For all inland Category 2 projects, the applicant must complete a vernal pool survey of the entire site, not just for the areas being directly impacted. The applicant must report the results of the survey to the Corps. If no vernal pools are found on the site, the applicant must confirm that in writing and also identify the party that conducted the survey and the survey date. This requirement may be waived by the Corps, in writing, on a case-by-case basis. Impacts to uplands in proximity (within 750 feet) to the vernal pools referenced in the Definitions of Categories shall be minimized to the maximum extent possible.

27. Invasive 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 the Corps, all applications for Category 2 inland projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan (ISCP).

Additional information can be found at: www.hort.uconn.edu/cipwg/

28. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. The Corps may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work. To facilitate these inspections, the permittee shall complete and return to the Corps:

- a. For Category 1 Inland projects, the **Category 1 Form (Appendix 1A)**, and the **Compliance Certification Form (Appendix 5)**.
- b. For Category 2 projects, the **Work-Start Notification Form** and the **Compliance Certification Form**. Both are provided as attachments with each Category 2 authorization letter.

29. Maintenance. The permittee shall maintain the activity authorized by this GP 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 Appendix 2 – Coastal Definition of Categories (attached) and/or any conditions included in a written Corps 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). Information on mosquito ditching and maintenance is provided at www.nae.usace.army.mil. Go to “Regulatory/Permitting,” and then “Other.”

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

31. 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.

32. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former conditions, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

33. Special Conditions. The Corps 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 CT DEEP 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 or restoration.

34. False or Incomplete Information. If the Corps 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 permit will not be valid, and the U.S. government may institute appropriate legal proceedings.

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

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

37. Duration of Authorization. This GP expires five years from the effective date listed at the top of Page 1 of this GP. Activities authorized by this GP that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have an additional year from this GP's expiration date to complete the work. The permittee must be able to document to the Corps' satisfaction that the project was under construction or under contract by the appropriate date. If work is not completed within the one year extended timeframe, the permittee must contact the Corps. The Corps may issue a new authorization provided the project meets the terms and conditions of the CT GP current at the time.

Activities authorized under this GP will remain authorized, unless:

- a. the GP is either modified or revoked, or
- b. 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 Category 1 or Category 2 authorizations of this GP will continue to be authorized by this GP after its expiration date.

38. Previously Authorized Activities:

- a. Activities completed under the authorizations of past GPs that were in effect at the time the activity was completed will continue to be authorized by those GPs.
- b. Projects that have received written verification or approval from the Corps, based on applications made to the Corps prior to issuance of this GP, regional general permits, or letters of permission shall remain authorized as specified in each authorization.
- c. Activities authorized pursuant to 33 CFR Part 330.3 (“Activities occurring before certain dates”) are not affected by this GP.
- d. If the permittee sells the property associated with a General Permit authorization, the permittee may transfer the General Permit authorization to the new owner by submitting a letter to the Corps to validate the transfer. A copy of the General Permit authorization letter must be attached to the letter, and the letter must include the following statement: “The terms and conditions of this General Permit, 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).

J. McCarthy
for DISTRICT ENGINEER _____ 7/15/11
DATE

SECTION 1
**ACTIVITIES OCCURRING WITHIN INLAND WATERS & WETLANDS
LOCATED WITHIN THE STATE OF CONNECTICUT**

I. ACTIVITIES COVERED:

The discharge of dredged or fill material into Waters of the United States¹, which is regulated by the Corps under Section 404 of the Clean Water Act (CWA)¹

II. REVIEW PROCESS:

1. State and Local Approvals:

In order for authorizations under this GP to be valid, and before commencing any work within Corps jurisdiction, applicants are responsible for applying for and obtaining any of the following required State approvals as well as any local approvals (see General Condition 1):

Inland Wetlands and Watercourses Permit under the Inland Wetlands and Watercourses Act (Connecticut General Statutes (CGS) Sections 22a-36 to 22a-45(a), inclusive)

Water Diversion Permit under the Connecticut Water Diversion Policy Act (CGS Sections 22a-365 to 22a-378(a), inclusive)

Stream Channel Encroachment Lines Permit (CGS Sections 22a-342 to 22a-349(a), inclusive)

Dam Safety Construction Permit (CGS Sections 22a-401 to 22a-411, inclusive)

Water Quality Certification (WQC) under Section 401 of the Federal CWA (33 USC Sec. 1341). Section 401(a)(1) of the Clean Water Act requires that applicants obtain a WQC or waiver from the state water pollution control agency which in Connecticut is the Connecticut Department of Energy and Environmental Protection (CT DEEP) or U. S. EPA for Indian reservation lands to discharge dredged or fill material into waters of the U.S.

Flood Management Certification (CGS Sections 25-68b through 25-68h)

The Connecticut Department of Energy & Environmental Protection, Inland Water Resources Division (CT DEEP IWRD) has conditionally granted WQC for Category 1 activities in inland wetlands and waterways provided those activities meet the criteria as contained in the attached definition of categories.

The U.S. EPA granted WQC for Category 1 activities located on land within the exterior boundaries of an Indian Reservation.

The CT DEEP- IWRD has denied WQC for Category 2 activities in inland wetlands and waterways, until the Commissioner issues a written 401 eligibility determination.

¹Defined at 33 CFR 328

2. General Permit Review Categories:

a. Category 1 – An application to the Corps is NOT required. However, submittal of the attached Category 1 Form at Appendix 1A to the Corps and CT DEEP, IWRD is required prior to commencement of work authorized by this GP.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meet the following criteria are eligible under Category 1 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 1 in the attached Appendix 1, Definition of Categories, and
- meet the General Conditions of the GP

Project proponents seeking Category 1 authorizations must comply with this GP's General Conditions and other federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts, such as the Connecticut Commission on Culture and Tourism and any appropriate Indian tribes, is recommended when there is a high likelihood of the presence of resources of concern.

Projects not eligible under Category 1 of this GP may be screened under Category 2, provided they meet the criteria as defined in the attached Definition of Categories for Category 2 activities.

b. Category 2 – An application to the Corps is required.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meet the following criteria are eligible under Category 2 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 2 in the attached Appendix 1, Definition of Categories, and
- meet the General Conditions of the GP

3. Applying for a Category 2 permit:

A Corps application form (ENG Form 4345) is required for Category 2 activities and can be found on our website: www.nae.usace.army.mil/reg under forms as well as a list of required additional information.

Applicants must also submit the following to the Corps:

- 2 copies of the application form,
- one set of 8.5" x 11" drawings and one large-scale drawing,
- 2 copies of the wetlands functions and values assessment,
- 2 copies of Federal wetland delineation documentation (data sheets),

- one copy of the CT DEEP addendum found at:
http://www.ct.gov/dep/lib/dep/Permits_and_Licenses/LandUse_General_Permits%5CInland_Water_General_Permits/CT_addendum_app.pdf,
- one copy of any correspondence with the Connecticut Commission on Culture and Tourism and Tribal Historic Preservation Officer indicating coordination with these entities,
- an Invasive Species Control Plan (See **General Condition 27**), and
- a plan describing any proposed mitigation.

Applicants must concurrently submit three copies of the following to the CT DEEP at the address below:

- the Corps application form,
- 8.5" x 11" drawings, large scale drawings;
- wetlands functions and values assessment,
- Federal wetlands delineation documentation (data sheets),
- CT DEEP addendum, and
- a plan describing any proposed mitigation.

**State of Connecticut
Department of Energy & Environmental Protection
Central Permit Processing Unit
79 Elm Street
Hartford, CT 06106-5127**

NOTE: Applicants must submit all project revisions and modifications to both agencies.

The Corps will coordinate review of all Category 2 activities with federal and state agencies to ensure that the proposed activity results in no more than a minimal impact to the aquatic environment. To be eligible and subsequently authorized, an activity must meet the criteria in paragraph 2 above and result in no more than minimal impacts to the aquatic environment as determined by the Corps in conjunction with the interagency review team which consists of federal and state resource agencies. 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.

NOTE: For projects receiving State funding with work proposed within a FEMA floodway/floodplain, it is recommended that applicants apply for and receive a Flood Management Certification from CT DEEP, IWRD if one is required, before applying to the Corps.

Written approval from the Corps for Category 2 activities is required before work can commence.

Emergency Situation Procedures: 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.” Notification to the Corps and CT DEEP – IWRD is required. The Corps will determine if a project qualifies as an emergency and will work with all applicable agencies to expedite authorization in emergency situations. If the project qualifies as an emergency, authorization under Category 1 or Category 2 of this General Permit is not required.

Individual Permit Procedures: Work that is **NOT** eligible under Category 2 as defined in the attached Appendix 1, Definition of Categories, or that does not meet the terms and conditions of this GP, will require review under the Corps Individual Permit procedures (see 33 CFR Part 325.1). The applicant shall submit the appropriate application materials (including the Corps ENG 4345 application form) to the Corps of Engineers. General information and application forms can be obtained at the Corps web site noted in Paragraph 3 above. An individual water quality certification is required from the CT DEEP, IWRD before Corps’ permit issuance. **The application form and instructions for Section 401 Water Quality Certification are available from the Connecticut DEP web site at <http://www.ct.gov/dep/>.**

SECTION 1A
**ACTIVITIES OCCURRING WITHIN INLAND WATERS & WETLANDS
LOCATED WITHIN THE BOUNDARIES OF MASHANTUCKET**

I. ACTIVITIES COVERED:

The discharge of dredged or fill material into waters of the U.S.¹, which is regulated by the Corps under Section 404 of the Clean Water Act (CWA)¹

II. REVIEW PROCESS:

1. Tribal Approval:

In order for authorizations under this GP to be valid and before commencing any work within Corps jurisdiction, applicants are responsible for applying for and obtaining approval from the Mashantucket Pequot Tribal Nation (MPTN) Land Use Commission in compliance with the MPTN Inland Wetlands and Watercourses Regulation.

2. General Permit Review Categories:

a. Category 1 - An application to the Corps is NOT required. However, submittal of the attached Category 1 Form at Appendix 1A to the Corps and the MPTN Natural Resources Protection and Regulatory Affairs Department is required prior to commencement of work authorized by this GP.

Eligibility Criteria

Activities in Mashantucket that meet the following criteria are eligible under Category 1 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 1 in the attached Definition of Categories, Appendix 1, and
- meet the General Conditions of the GP

Project proponents seeking Category 1 authorizations must comply with the applicable General Conditions of this GP and other federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts such as the Connecticut Commission on Culture and Tourism and any other appropriate Indian tribes is recommended when there is a high likelihood of the presence of resources of concern.

Projects not eligible under Category 1 of this GP may be screened under Category 2 provided they meet the applicable criteria as defined in the attached Appendix 1, Definition of Categories for Category 2 activities.

¹Defined at 33 CFR 328

b. Category 2 -An application to the Corps is required.

Eligibility Criteria

Activities in Mashantucket that meet the following criteria are eligible under Category 2 of this General Permit:

- are subject to Corps jurisdiction (See General Condition 2),
- meet the definition of Category 2 in the attached Appendix 1, Definition of Categories, and
- meet the General Conditions of the GP

3. Applying for a Category 2 permit:

A Corps application form (ENG Form 4345) is required for Category 2 activities and can be found on our website: www.nae.usace.army.mil/reg under Forms. Applicants must submit the following to the Corps:

- 2 copies of the application form;
- One set of 8.5" x 11" drawings and one large-scale drawing;
- 2 copies of the wetlands functions and values assessment;
- 2 copies of the Federal wetland delineation documentation;
- one copy of any correspondence with the Connecticut Commission on Culture and Tourism and THPO indicating coordination with these entities;
- an Invasive Species Control Plan (See General Condition 27); and,
- a plan describing any proposed mitigation.

Applicants must concurrently submit a copy of the complete Corps application to the MPTN NRP-RA at the address below:

**Mashantucket Pequot Tribal Nation
Natural Resources Protection & Regulatory Affairs
550 Trolley Line Boulevard
P.O. Box 3202
Mashantucket, CT 06338-3202**

NOTE: Applicants must submit all project revisions and modifications to both agencies.

The Corps will coordinate review of all Category 2 activities with federal and tribal agencies to ensure that the proposed activity results in no more than a minimal impact to the aquatic environment. To be eligible and subsequently authorized, an activity must meet the criteria listed above and result in no more than minimal impacts to the aquatic environment as determined by the Corps in conjunction with the interagency review team which consists of federal and tribal resource agencies. 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.

Written approval for Category 2 activities from the Corps is required before work can commence.

Emergency Situation Procedures: 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." The Corps will work with all applicable agencies to expedite authorization in emergency situations.

Individual Permit Procedures: Work that is **NOT** eligible under Category 2 as defined in the attached Definition of Categories, or that does not meet the terms and conditions of this GP, will require review under the Corps Individual Permit procedures (see 33 CFR Part 325.1). The applicant shall submit the appropriate application materials (including the Corps application form) to the Corps of Engineers. General information and application forms can be obtained at the Corps web site noted in paragraph 3 above. An individual water quality certification is required from EPA (or MPTN if at the time of the application EPA has determined MPTN eligible to administer the Section 401 Water Quality Certification program)

APPENDIX 1

INLAND WATERS AND WETLANDS

WATERS OF THE U.S. ⁽¹⁾⁽²⁾

DEFINITION OF CATEGORIES

Inland Waters and Wetlands: Waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds and wetlands, not including Section 10 Navigable Waters of the United States. ⁽¹⁾⁽²⁾

Waters of the United States: Inland rivers, streams, brooks, lakes, ponds and wetlands, including navigable waters. [Refer to Title 33 CFR 328 and Section 1362 Federal Clean Water Act.] ⁽¹⁾⁽²⁾

The jurisdictional limits are the ordinary high water (OHW) mark in the absence of adjacent wetlands, beyond the OHW mark to the limit of adjacent wetlands when adjacent wetlands are present, and the wetland limit when only wetlands are present.

Navigable Waters: Waters that are subject to the ebb and flow of the tide, and Federally designated navigable waters which in Connecticut includes the Connecticut River to the Massachusetts state line.

Note: For the purposes of this GP, fill placed in the area below the high tide line (HTL), and in wetlands that border and are contiguous to tidal waters, are reviewed in the Tidal, Coastal and Navigable Waters section. (See Coastal Definition of Categories)

Activities must be conducted consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEP Bulletin 34) and the 2004 Connecticut Stormwater Quality Manual or subsequent revisions.

See the Page 10 of 10 for footnote definitions.

The following Activities are NOT eligible for authorization under Category 1 Within Inland Waters and Wetlands Located Within the State of Connecticut:

Piping, boxing, enclosing or covering of inland waters for other than a driveway or roadway crossing.

Projects with direct or secondary impact(s) to:

- Special Wetlands⁽³⁾
- Threatened, Endangered, or Special Concern Species⁽⁴⁾ <http://www.dep.state.ct.us/>
- Significant Natural Communities⁽⁴⁾ identified by the CT Natural Diversity Database <http://www.dep.state.ct.us/>

Projects requiring a Corps permit with associated construction activities within 100 feet of Special Wetlands⁽³⁾.

Projects with fill placed within a FEMA established floodway <http://msc.fema.gov> , unless the applicant has obtained a State of Connecticut Flood Management Certification for the project pursuant to section 25-68d of the Connecticut General Statutes.

Projects with fill placed within a FEMA established floodplain that would adversely affect the hydraulic characteristics of the floodplain⁽⁶⁾. **Note: Projects that have received a Flood Management Certification are assumed to have no adverse effect to hydraulic characteristics.**

Projects with detention or retention of stormwater in inland waters or wetlands including:

- Watercourse or wetland crossing that by design or default functions to provide stormwater detention,
- Retention or detention of stormwater in inland waters or wetlands, or
- Construction of stormwater detention or retention basin in inland waters or wetlands.

Projects occurring in a segment of a National Wild and Scenic River System or within 0.25 mile upstream or downstream of the main stem or tributaries of a National Wild and Scenic River System segment. <http://www.nps.gov/rivers/>

Channeling or relocating inland waters.

Unconfined in-stream work, including construction, installation or removal of sheet pile cofferdam structures, conducted from October 1 through May 31. However, installation and removal of cofferdams, other than sheet pile cofferdams, is allowed during the period October 1 through May 31.

The following Activities are NOT eligible for authorization under Category 1 within Inland Waters and Wetlands Located within the Boundaries of Mashantucket

Piping, boxing, enclosing or covering of inland waters for other than a driveway or roadway crossing.

Projects with fill placed within a FEMA established floodway <http://msc.fema.gov> , unless the applicant has a State of Connecticut Flood Management Certification for the project pursuant to section 25-68d of the Connecticut General Statutes.

Projects with fill placed within a FEMA established floodplain that would adversely affect the hydraulic characteristics of the floodplain. ⁽⁶⁾

Projects with detention or retention of stormwater in inland waters or wetlands including:

- Watercourse or wetland crossing that by design or default functions to provide stormwater detention,
- Retention or detention of stormwater in inland waters or wetlands, or
- Construction of stormwater detention or retention basin in inland waters or wetlands.

Projects occurring in a segment of a National Wild and Scenic River System or within 0.25 mile upstream or downstream of the main stem or tributaries of a National Wild and Scenic River System segment. <http://www.nps.gov/rivers/>

Channeling or relocating inland waters.

General Condition 3(c) is not applicable to projects within Mashantucket, instead the following work shall be excluded from Category 1 for all vernal pools (VPs) on, or known VPs surrounding, the project site:

- a. Any work within a VP depression (inside seasonal high water mark of pool).
- b. Any work, including roads and driveways, in the VP envelope (100' from VP depression edge)
- c. Any work that individually or cumulatively impacts >25% of the VP critical terrestrial habitat (750' from VP depression edge)

The following activities ARE eligible under CATEGORY 1:

1. A. NEW FILL AND/OR FILL ASSOCIATED WITH EXCAVATION

Less than 5,000 square feet (s.f.) of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project, see **General Condition 5**.

Secondary impacts include but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

UTILITY LINE RIGHT-OF-WAY CROSSINGS. These must be constructed as follows:

- When trenching, the uppermost 12 inches of the trench is backfilled to the original grade with native soil or streambed material, as appropriate, of the same nature, type and characteristics as the adjacent soil or streambed material, and
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the CT Invasive Plants Council to be invasive or potentially invasive.
http://nbii-nin.ciesin.columbia.edu/ipane/ctcouncil/CT_invasive.htm

STREAM, RIVER, BROOK CROSSINGS. The following are required for driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING USING A BRIDGE OR OPEN-BOTTOM STRUCTURE MUST:**
 - Spans at least 1.2 times the watercourse bank full width,
 - Has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters, and
 - Allows for continuous flow of the 50-year frequency storm flows
- **CROSSING USING A CULVERT PROVIDED:**
 - The tributary watershed to the culvert does not exceed 1.0 sq. mile (640 acres),
 - The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
 - For a crossing constructed using a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the streambed elevation,
 - For a crossing constructed using **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set not less than 12 inches below the elevation of the streambed,
 - For a crossing constructed using a **pipe culvert**, the inverts are set such that not less than 25% of the pipe diameter or 12 inches, whichever is less, is set below the streambed elevation,
 - The culvert is backfilled with natural substrate material matching upstream and downstream streambed substrate,
 - The structure does not otherwise impede the passage of fish and other aquatic organisms, and
 - The structure allows for continuous flow of the 50-year frequency storm flows

1. B. STREAM BANK STABILIZATION

LIMITATIONS:

- Bank stabilization not to exceed 200 feet in length
- Fill not to exceed an average of 1 cubic yard of per linear foot below ordinary high water
- No fill within the streambed beyond the toe of slope of the stream bank, and
- Work limited to the period June 1 through September 30

NOTE: Length is defined as the sum of the lengths of bank stabilization work along each bank of the inland water.

1. C. REPAIR AND MAINTENANCE OF EXISTING AUTHORIZED OR GRANDFATHERED FILL

Less than 5,000 s.f. of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project, see General Condition 5.

Secondary impacts include but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

REPAIR OR MAINTENANCE OF EXISTING, CURRENTLY SERVICEABLE, AUTHORIZED, GRANDFATHERED FILLS:

- No change in use.
- Conditions of the original authorization apply. However, minor deviations in fill design allowed.

REPLACEMENT OF EXISTING DRIVEWAY CROSSINGS USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:

- Span at least 1.2 times the watercourse bank full width,
- Has an openness ratio ⁽⁵⁾ equal to or greater than 0.25 meters,
- Allows for continuous flow of the 50-year frequency storm flows
- Does not result in a change in the normal water surface elevation of the upstream waters or wetland.

REPLACEMENT OF EXISTING ROADWAY CROSSING USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:

- Spans at least 1.2 times the watercourse bank full width,
- Has an openness ratio ⁽⁵⁾ equal to or greater than 0.25 meters,
- Allows for continuous flow of the 50-year frequency storm flows
- Does not result in a change in the normal water surface elevation of the upstream waters or wetland.
- Has a riparian bank on one or both sides for wildlife passage,

REPLACEMENT OF AN EXISTING DRIVEWAY OR ROADWAY CROSSING USING A CULVERT:

- The tributary watershed to the culvert does not exceed 1.0 square mile (640 acres),
- The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
- For a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the streambed,
- For **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set not less than 12 inches below the elevation of the streambed,
- For a **pipe culvert**, the inverts are set such that not less than 25% of the pipe diameter or 12 inches, whichever is less, is set below the elevation of the streambed,
- The culvert is backfilled with natural substrate material matching upstream and downstream streambed substrate,
- The structure does not otherwise impede the passage of fish and other aquatic organisms, and
- The structure allows for continuous flow of the 50-year frequency storm flows

REPLACEMENT OF A UTILITY LINE WITHIN AN EXISTING RIGHT-OF-WAY CROSSING:

- No horizontal expansion or impacts beyond previously cleared areas,
- No open trench excavation w/in flowing waters w/out management techniques as stated in Special Condition 21 (c)
- When trenching, the uppermost 12 inches of the trench is backfilled with native soil or streambed material, as appropriate, of the same nature, type and characteristics as the adjacent soil or streambed material,
- There are no endangered, threatened or special concern species that would be adversely impacted (CT Natural Diversity Database)
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the CT Invasive Plants Council to be invasive or potentially invasive. http://nbii-nin.ciesin.columbia.edu/ipane/ctcouncil/CT_invasive.htm

Note: Replacement of utility line projects w/impacts solely within wetlands greater than 5,000 s.f. may be eligible for Category 1 authorization provided the standards are met. Replacement of utility line projects involving stream crossings with impacts over 5,000 s.f. must be screened under Category 2.

DAM AND FLOOD CONTROL LEVEE REPAIR

- No change in the permanent water surface elevation of the impoundment.
- Drawdown of impoundment for construction not to exceed 18 months or one growing season. (Secondary impacts from the drawdown do not count towards the 5,000 s.f. threshold).
- No dredging within impoundment area except for that essential for repair of the structure.

The following activities are NOT eligible for authorization under CATEGORY 2:

Piping, boxing, or other enclosing or covering of inland waters for other than a driveway or roadway crossing.

Projects with fill placed within a FEMA established floodplain that would adversely affect the hydraulic characteristics of the floodplain.⁽⁶⁾

Detention or retention of stormwater in inland waters or wetlands including:

- Watercourse or wetland crossing that by design or default functions to provide stormwater detention,
- Retention or detention of stormwater in inland waters or wetlands, or
- Construction of stormwater detention or retention basin in inland waters or wetlands.

The following activities ARE eligible under CATEGORY 2:

2. A. NEW FILL AND/OR FILL ASSOCIATED WITH EXCAVATION

5,000 s.f. to less than 1 acre of Fill and Secondary Impacts in Inland Waters and/or Wetlands.

Direct fill impacts include all temporary and permanent fill and excavation discharges resulting from a single and complete project.

Secondary impacts include, but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. (See 40 CFR 230.11 (g) and (h))

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

UTILITY LINE RIGHT-OF-WAY CROSSING:

- The uppermost 12 inches of the trench is backfilled with native soil or streambed material, as appropriate, consistent with the adjacent soil or streambed material, and
- The right-of-way is managed to prevent the introduction, establishment, or spread of plant species determined by the Connecticut Invasive Plants Council to be invasive or potentially invasive.
http://invasives.eeb.uconn.edu/ipane/ctcouncil/CT_Invasive_Plant_List.htm
- Temporary mats are not counted towards the 1 acre threshold provided they are adequately cleaned after previous use, removed immediately after completion of construction, and disposed of at an upland site.

STREAM, RIVER, BROOK CROSSINGS. The following are required for driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING CONSTRUCTED USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:**
 - Spans at least 1.2 times the watercourse bank full width,
 - Has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters, and
 - Allows for continuous flow of the 50-year frequency storm flows
- **CROSSING CONSTRUCTED USING A CULVERT:**
 - The use of a bridge or open-bottom structure is determined to be not practicable,
 - For a crossing constructed with a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set at least 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with a **pipe culvert**, the inverts are set such that not less than 25% of the diameter of the pipe or 12 inches, whichever is less, is set below the elevation of the natural stream bed,
 - The culvert gradient (slope) is no steeper than the streambed gradient immediately upstream or downstream of the culvert,
 - The culvert is backfilled with natural substrate material matching upstream and downstream substrate,
 - The culvert has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters
 - The structure does not result in a change in the normal water surface elevation of the upstream waters or wetlands, and
 - The structure allows for continuous flow of the 50-year frequency storm flows
 - There is no practicable alternative location for the crossing that would have less environmental impacts.

NOTE: In instances where it is determined by the agencies that it is not practicable to construct a crossing consistent with the standards, the crossing may be authorized as a Category 2 project provided that the crossing is constructed in a manner that minimizes impediments to fish and aquatic life passage to the greatest extent practicable. A mere showing of expense will not necessarily determine that compliance with the standards is not practicable. Documentation should be submitted with the Category 2 application package.

2. B. STREAM BANK STABILIZATION

Stream Bank Stabilization not to exceed 500 feet in length with the following limitations:

- Fill not to exceed an average of 1 cubic yard per linear foot below ordinary high water
- No fill within the streambed beyond the toe of slope of the stream bank, and
- Work limited to the period June 1 through September 30

NOTE: Length is defined as the sum of the lengths of bank stabilization work along each bank of the inland water.

2. C. REPAIR & MAINTENANCE OF EXISTING AUTHORIZED OR GRANDFATHERED FILL

Replacement of Non-Serviceable Fills, or Repair or Maintenance of Serviceable Fills with horizontal expansion of less than 1 acre or with a change in use.

LIMITATIONS FOR SPECIFIC PROJECT ACTIVITIES:

REPLACEMENT OF EXISTING STREAM, RIVER, BROOK CROSSINGS. The following are required for the replacement of existing driveway or roadway crossings constructed on streams, rivers, brooks and their tributaries. These provisions do not apply to crossings of drainage ditches or waters with no definable channel.

- **CROSSING RECONSTRUCTED USING A BRIDGE OR OPEN-BOTTOM STRUCTURE:**
 - Spans at least 1.2 times the watercourse bank full width,
 - Has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters, and
 - Allows for continuous flow of the 50-year frequency storm flows
- **CROSSING RECONSTRUCTED USING A CULVERT:**
 - The use of a bridge or open-bottom structure is determined to be not practicable,
 - For a crossing constructed with a **single box or pipe arch culvert**, the inverts are set not less than 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with **multiple box or pipe arch culverts**, the inverts of one of the boxes or pipe arch culverts are set at least 12 inches below the elevation of the natural streambed,
 - For a crossing constructed with a **pipe culvert**, the inverts are set such that not less than diameter of the pipe or 12 inches, whichever is less, is set below the elevation of the natural stream bed,
 - The culvert is backfilled with natural substrate material matching upstream and downstream substrate,
 - The culvert has an openness ratio⁽⁵⁾ equal to or greater than 0.25 meters
 - The structure does not result in a change in the normal water surface elevation of the upstream waters or wetlands, and
 - The structure allows for continuous flow of the 50-year frequency storm flows
- **UTILITY LINE RIGHT-OF-WAY CROSSING:**

Temporary mats are not counted towards the 1 acre threshold provided they are adequately cleaned after previous use, removed immediately after completion of construction ,and disposed of at an upland site

NOTE: In instances where it is determined by the agencies that it is not practicable to construct a crossing consistent with the standards, the crossing may be authorized as a Category 2 project provided that the crossing is constructed in a manner that minimizes impediments to fish and aquatic life passage to the greatest extent practicable. A mere showing of expense will not necessarily determine that compliance with the standards is not practicable. Documentation should be submitted with the Category 2 application package.

2. D. WETLAND OR STREAM RESTORATION OR ENHANCEMENT

Such projects with any amount of impact may be screened for eligibility under Category 2. The Corps, in concurrence with State and Federal agencies, must determine that net adverse effects are minimal.

2. E. POND OR LAKE RESTORATION OR ENHANCEMENT

Such projects with any amount of impact may be screened for eligibility under Category 2. The Corps, in concurrence with the Connecticut Department of Energy & Environmental Protection, Inland Water Resources Division (CT DEEP, IWRD), must determine that net adverse effects are minimal.

LIMITATIONS:

- There is no horizontal expansion of the pond or lake.
- Excavation is limited to restoring the pond or lake basin to its original contours through the removal of accumulated material,
- Excavated material is disposed outside of inland waters, wetlands and floodplains,
- The area being dredged is physically isolated from adjoining areas of flowing water during construction,
- Best management practices are employed to avoid creating erosion, sedimentation or water quality degradation during excavation and during any period of dewatering and refilling,
- Adequate littoral zones and cover are maintained to provide habitat suitable for supporting fish and other aquatic life during construction, and following completion of the project
- During the period of pond or lake refilling, continual downstream flow is maintained consistent with the requirements under Water Diversion Regulations, Section 22a-377(b)-1(b) of the Regulations of Connecticut State Agencies.

DEFINITIONS

- (1) **Waters of the U. S.:** Inland rivers, streams, brooks, lakes, ponds and wetlands. [Refer to Title 33 CFR 328 and Section 1362 Federal Clean Water Act], including navigable waters.
- (2) **Navigable Waters:** Waters that are subject to the ebb and flow of the tide, and Federally designated navigable waters which in Connecticut includes the Connecticut River to the Massachusetts state line. [Refer to Title 33 CFR Part 329 and Section 1362 Federal Clean Water Act]
- (3) **Special Wetlands:** Include vernal pools, bogs, fens, cedar swamps, spruce swamps, calcareous seepage swamps, and wetlands that provide habitat for threatened or endangered species or species of special concern as designated by the State of Connecticut Natural Diversity Database. The following definitions for bogs, calcareous seepage wetlands, cedar swamps, fens, spruce swamps, and vernal pools apply for the purposes of this GP:
- Bog:** a peat accumulating wetland dominated by sphagnum moss. Typical plant species include sphagnum moss, leatherleaf, black spruce, pitcher plant and sundew.
- Calcareous Seepage Swamp:** a forested wetland characterized by the discharge of groundwater with a chemistry influenced by underlying limestone geology.
- Cedar Swamp:** a forested wetland characterized by the presence of Northern White Cedar or Atlantic White Cedar.
- Fen:** a peat accumulating wetland dominated by sedges and/or ericaceous shrubs. Typical plant species include low sedges, ericaceous shrubs, sphagnum and other mosses.
- Spruce Swamp:** a forested wetland characterized by the presence of Red or Black Spruce.
- Vernal Pool:** an often temporary body of water occurring in a shallow depression of natural or human origin that fills during spring rains and snow melt and typically dries up during summer months. Vernal pools support populations of species specially adapted to reproducing in these habitats. Such species may include wood frogs, mole salamanders (*Ambystoma* sp.), fairy shrimp, fingernail clams, and other amphibians, reptiles and invertebrates. Vernal pools lack breeding populations of fish. **(NOTE: The Corps will determine on a case-by-case basis which vernal pools are within their jurisdiction. When Corps jurisdiction over a project has been established, impacts to vernal pools from project activities will be considered. All vernal pools are subject to the jurisdiction of the CT DEEP under Connecticut Water Quality Standards or, the Mashantucket Pequot Tribal Nation under the MPTN IWWC Regulation.)**
- (4) **Threatened, Endangered or Special Concern Species; Significant Natural Communities:** Species listed by CT DEEP pursuant to Chapter 495 of the Connecticut General Statute as threatened or endangered species or species of special concern. Known locations of threatened and endangered species and species of special concern, and significant natural communities are identified on maps entitled “State and Federal Listed Species and Significant Natural Communities“, as amended. These maps are available at city or town clerk offices and in the CT DEEP File Room located on the store level of 79 Elm Street, Hartford and on their website: <http://www.ct.gov/dep/>
- (5) **Openness Ratio:** The cross-sectional area (in square meters) of the opening of a structure divided by the length (measured in meters) of the structure. For a box culvert, openness ratio = (height x width)/length (measured in meters). The imbedded portion of the culvert is not included in the cross-sectional area used for calculating the openness ratio.
- (6) **Adverse Effect to Hydraulic Characteristics:** An adverse effect to hydraulic characteristics includes an increase in flood water surface elevation, an increase in flood flow velocity or a restriction of flood flow conveyance in a manner that would impact upstream, downstream or adjacent property.



Appendix 1A: Category 1 Certification Form
(Required for all Inland Projects in Connecticut)

**US Army Corps
of Engineers**®

New England District

Submit this form **before** work commences to the following addresses:

U.S. Army Corps of Engineers, Permits & Enforcement Branch B (CT),
696 Virginia Road, Concord, MA 01742-2751

Connecticut Department of Energy & Environmental Protection, CT DEEP,
Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106-5127
(not required if work is done within exterior boundaries of Mashantucket)

Permittee Name & Address: _____

Phone number & Email address: _____

Work Location/Address: _____

Latitude/Longitude coordinates: _____

Waterway name: _____

Contractor Name & Address: _____

Phone number & Email address: _____

Proposed Work Dates: Start: _____ Finish: _____

Work will be done within Inland Waters & Wetlands under the following categories – refer to Appendix 1 (check all that apply):

_____ 1.A. New Fill and/or Fill Associated with Excavation

_____ 1.B. Stream Bank Stabilization

_____ 1.C. Repair & Maintenance of Existing Authorized or Grandfathered Fill.

Wetland impact: _____ square feet (sf) Waterway impact: _____sf and/or _____ linear feet

Brief Project Description _____

Project purpose: _____

Secondary Impacts include but are not limited to impacts to inland waters or wetlands drained, dredged, flooded, cleared or degraded resulting from a single and complete project. See General Condition 3.

Does your project include any of these secondary impacts? Y/N – If yes, please describe them:

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

Permittee Signature: _____ **Date:** _____

SECTION 2:
ACTIVITIES OCCURRING WITHIN
TIDAL, COASTAL AND NAVIGABLE WATERS

The state's Coastal Area is statutorily defined as: all lands and waters within the municipalities of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport, Stratford, Shelton, Milford, Borough of Woodmont, Orange, West Haven, New Haven, Hamden, North Haven, East Haven, Branford, Guilford, Madison, Clinton, Westbrook, Deep River, Chester, Essex, Borough of Fenwick, Old Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London, Montville, Norwich, Preston, Ledyard, Groton (city, Town and Long Point Borough), Mystic and Stonington (Town & Borough) [Section 22a-94(a) CGS].

Navigable Waters: 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. The Connecticut River has been determined to be a navigable water of the United States. [Refer to Title 33 CFR Part 329]

I. ACTIVITIES COVERED:

- Work and structures that are located in, under or over any navigable water of the U.S.¹ that affect the course, location, condition, or capacity of such waters; or the excavating from or depositing material in navigable waters. (Regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899);
- The discharge of dredged or fill material into waters of the U.S.², which is regulated by the Corps under Section 404 of the Clean Water Act (CWA)

II. REVIEW PROCESS:

1. Connecticut Department of Energy & Environmental Protection, Office of Long Island Sound Programs (DEEP OLISP) approvals:

In order for authorizations under this GP to be valid and before commencing any work within Corps jurisdiction, applicants are responsible for applying for and obtaining any of the following required State or local approvals (see General Condition 1):

Tidal Wetlands Permit under the Tidal Wetlands Act (CGS Sections 22a-28 to 22a-35a inclusive)

Certificate of Permission (CGS Section 22a-363b)

Long Island Sound General Permits (CGS Sections 22a-28 to 22a-35 and Sections 22a-359 to 22a-363f inclusive)

¹ Defined at 33 CFR 329

² Defined at 33 CFR 328

(State and Local Approvals continued):

Structures, Dredging and Fill Permits (CGS Section 22a-359 through 22a-363f)

Approvals for marine-based aquaculture activities required by Connecticut General Statutes Section 22-11h implemented by the CT Department of Agriculture, Bureau of Aquaculture (DA/BA) including individual in-water structures used for aquaculture, as defined in Section 22-11c, including, but not limited to, racks, cages, or bags, as well as buoys marking such structures.

Water Quality Certification (WQC) Issuance or waiver under Section 401 of the Federal CWA (33 USC Section 1341). Section 401(a)(1) of the Clean Water Act requires that applicants obtain a WQC or waiver from the state water pollution control agency (CT DEEP) or EPA for Indian reservation lands to discharge dredged or fill material into waters of the U.S.

Coastal Zone Management Consistency (CZM) - Concurrence under Section 307 of the Federal CZM Act of 1972, as amended. Section 307(c) of the CZM of 1972, as amended, requires applicants to obtain a certification or waiver from CT DEEP OLISP that the activity complies with the state's CZM program for activities affecting a state's Coastal Area.

Project proponents involving dredging/excavation and associated disposal within the Byram River must also coordinate with NY DOS directly to obtain a certification or waiver that the activity complies with NYDOS' CZM program. Also, all projects with disposal at any of the Long Island Sound Disposal Sites require NY DOS CZM consistency. Additional information can be found at their website: http://www.nyswaterfronts.com/consistency_federal.asp.

2. Corps Authorizations - The two GP review categories are listed below:

a. Category 1 – No application/notification is required to be submitted to the Corps by the applicant. However, DEEP OLISP will forward copies of application packages and their approvals to the Corps on a weekly basis. If the Corps determines that a project meets Category 1, the Corps will forward verification of eligibility to the applicant.

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation may proceed without application or notification to the Corps if they:

- are subject to Corps jurisdiction
- meet the definition of Category 1 in Appendix 2 – Coastal Definition of Categories, and
- meet the General Conditions of the GP

Note: Activities subject to Corps jurisdiction that are NOT regulated by the DEEP OLISP will be subject to the Category 2 screening requirements of this GP.

Project proponents seeking eligibility under Category 1 must comply with the General Conditions of the GP and other federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA) and the Wild and Scenic Rivers Act. Therefore, consultation with the Corps and/or outside experts such as the Connecticut Commission on Culture and Tourism and any appropriate Indian tribes is recommended when there is a likelihood of the presence of resources of concern.

Projects not eligible under Category 1 of this GP may be screened under Category 2 provided they meet the Category 2 criteria.

b. Category 2 (Reporting – Requiring Review/Written Authorization)

Eligibility Criteria

Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that meet the following criteria **require written approval from the Corps**:

- are subject to Corps jurisdiction,
- meet the definition of Category 2 in Appendix 2 – Coastal Definition of Categories, and
- meet the General Conditions of this GP

3. Applying for a Category 2 permit:

a. CT DEEP, OLISP regulated activities

Structures and Dredging Permit Applications: Applicants/agents must submit to the Corps, a copy of the DEEP Permit Consultation Form for U.S. Army Corps of Engineers Review along with project plans. The Corps will then coordinate this information with the interagency review team (see paragraph 4 below) and then return the form to applicants/agents for their submission to DEEP OLISP.

COPs/GPs/Time Extensions/Modifications: OLISP will forward copies of application packages and approvals to the Corps on a weekly basis. If a project is determined to meet Category 2 and is complete, the Corps will coordinate these projects with the interagency review team. If the Corps determines that an Individual permit or additional information is required, the Corps will coordinate directly with the applicant/agent. Requests for time extensions should be sent to both OLISP and the Corps.

NOTE: For projects which involve dredging and open water disposal - Applicants/agents must submit requests for sampling plans to the DEEP, OLISP and the Corps simultaneously, as well as other required information specific to dredging/open water disposal, a detailed open water disposal site alternative analysis, and a completed NY DOS Federal Consistency Assessment Form found at <http://nyswaterfronts.com/downloads/pdfs/fcaf2.pdf>. Please see our website at <http://www.nae.usace.army.mil/Regulatory/> for a list of all required additional information.

b. Aquaculture activities regulated by the Department of Agriculture

This refers to marine- and land-based aquaculture activities, including associated structures regulated by the DA/BA, Connecticut General Statutes Section 22-11h.

Applicants should apply directly to the DA/BA using the Joint Application for Aquaculture form found at: http://www.nae.usace.army.mil/reg/Permits/CT_AquacultureApplication.pdf . The DA/BA will forward a copy of the aquaculture application package to the Corps, the State of Connecticut Department of Energy & Environmental Protection's (CT DEEP) Boating Division, Marine Fisheries Division, Office of Long Island Sound Programs (OLISP), and CT DEEP, Inland Water Resources Division (IWRD) for activities impacting inland waters.

These application packages for marine-based activities will be screened by the Corps, the Federal resource agencies, and the CT DEEP, OLISP with input from the CT DEEP Boating and Marine Fisheries Divisions. Screening will initiate review of the application by the CT DEEP OLISP for Coastal Zone Management consistency concurrence. The CT DEEP OLISP will make a determination on the completeness of the application for CZM consistency review and/or the eligibility of the activity for state aquaculture permit exemption within 30 days from the date of the screening meeting.

4. Review Procedures:

The Corps will coordinate review of all Category 2 activities with federal and state agencies (interagency review team), as necessary. To be eligible and subsequently authorized, an activity must meet the eligibility criteria listed above and result in no more than minimal impacts to the aquatic environment as determined by the Corps in conjunction with the interagency review team. 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. Applicants are responsible for applying for the appropriate state and local approvals. This GP is not valid until all required CT DEEP, OLISP authorizations are granted.

Emergency Situation Procedures: 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.” Notification to the Corps is required. The Corps will determine if a project qualifies as an emergency and will work with all applicable agencies to expedite authorization in emergency situations. If the project qualifies as an emergency, authorization under Category 1 or Category 2 of this General Permit is not required.

Individual/Standard Permit Procedures: Work that is not eligible under Category 2 as defined in Appendix 2, Definition of Categories, or that does not meet the terms and general conditions of this GP, will require the submission of an application to the Corps for an Individual Permit (see 33 CFR Part 325.1). The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained at our website at <http://www.nae.usace.army.mil/reg/Forms/Application.pdf> or by calling us. Individual WQC and CZM consistency concurrence are required, when applicable, from the State of Connecticut before Corps issuance of an individual permit. The Corps encourages applicants to concurrently apply for a Corps Individual Permit and state permits.

APPENDIX 2

COASTAL DEFINITION OF CATEGORIES		
NAVIGABLE WATERS OF THE UNITED STATES	<p>See definition of Navigable Waters at Section 2, page 1. The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water (OHW) mark in non-tidal portions of the Federally designated navigable river (Connecticut River). For the purposes of this GP, fill placed below the high tide line (HTL), and in bordering wetlands* to tidal waters are also reviewed under this Navigable Waters section.</p> <p><i>*A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (MHW in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary high water mark and above the normal hydrologic influence of their adjacent waterbody.</i></p> <p><i>NOTE: No fill or excavation in Special Aquatic Sites (SAS, which include wetlands (inland and salt marsh), mud flats, vegetated shallows (permanently inundated areas that support rooted aquatic vegetation such as eel grass, celery grass, and tape grass), coral reefs, and riffle and pool complexes. Fill and excavation activities in SAS will require an Individual Permit. However, restoration projects impacting SAS can be reviewed under Category 2.[Refer to 40 CFR Part 230 Subpart E]</i></p>	
	CATEGORY 1 - Activities Eligible for Authorization	CATEGORY 2 - Activities Eligible for Authorization
A. FILL/EXCAVATION Fill area includes all temporary and permanent wetland/ waterway fills.	<p>No provisions for new or previously unauthorized fills in Category 1, other than discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard issues a bridge permit or appropriate approval. Causeways and approach fills are not included in this category and require Category 2 or Individual Permit authorization.</p> <p><i>No fill in the main stem of the Connecticut River</i></p> <p><i>No fill within 200' of Federal Navigation Project (FNPs) limits. FNPs are defined on Page 2 of this Appendix.</i></p>	<p><1 acre waterway/wetland fill and/or excavation including secondary waterway impacts (e.g., areas drained, flooded, fragmented or mechanically cleared or degraded).</p> <p><i>There are no areal limits to Integrated Marsh Management (including open marsh management) or wetland restoration projects, provided that impacts to the aquatic resources are minimal and there is a preplanning component to the project that includes review, representation and approval from all federal and state agencies on the screening committee.</i></p> <p><i>There are no areal limits to beach nourishment projects with compatible grain size.</i></p>
B. REPAIR AND MAINTENANCE WORK	<p>Repair, replacement in kind or maintenance of existing, currently serviceable, grandfathered* or authorized fills and structures provided:</p> <ul style="list-style-type: none"> • No expansion or change in use • Must be rebuilt in same footprint, however, minor deviations in structure design allowed. <p><i>*Grandfather dates include work performed and structures installed before 1968 & fill placed before 1975 for Corps purposes only.</i></p>	<p>Repair/maintenance of any non-serviceable structures or fill or repair/maintenance of serviceable structures or fills with expansion up to one acre or change in use.</p> <p>Includes retention of previously unauthorized structures or fill.</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>C. DREDGING/ EXCAVATION AND ASSOCIATED DISPOSAL</p> <p>NOTE: All dredging/excavation and associated disposal projects proposed in the Byram River must coordinate with NY DOS for coastal zone review.</p>	<p>Maintenance dredging (with any amount of yardage) provided:</p> <ul style="list-style-type: none"> • Contained upland disposal • Proper siltation controls used & maintained to prevent runback into waterway/wetland • No direct or indirect impacts to Special Aquatic Sites (SAS) or shellfish beds • No work in the main stem of the Connecticut River • Work occurring only between October 1 through January 15 	<p>Maintenance, new, or improvement dredging with disposal at upland, open water, confined aquatic disposal cells, or beach nourishment, provided material to be dredged is determined suitable for disposal by the Corps and has less than 25,000 c.y. of material being disposed of at any Long Island Sound disposal site.</p> <p>NOTE: All disposal of dredged material at any Long Island Sound disposal site requires CZM consistency from NY DOS.</p> <p>Maintenance dredging with upland disposal that is not eligible under Category 1.</p>
<p>D. MOORINGS</p> <p>Moorings and/or their moored vessels proposed to be located within the horizontal limits of a Federal Channel are not eligible for this GP and require an Individual Permit.</p> <p>Commercial mooring fields require an Individual Permit</p> <p><i>Boundaries of Submerged Aquatic Vegetation (SAV) may be required to be located/surveyed in the field. See Corps website for guidance document.</i></p>	<p>Private, non-commercial, non-rental, single-boat moorings provided:</p> <ul style="list-style-type: none"> • Not associated with any boating facility[*], including those in a Federal Anchorage. • No moorings within Federal anchorages • No interference with navigation. • Not located in SAS or shellfish beds • Must have harbormaster approval <p><i>*Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, boat yards, town facilities, dockominiums, etc.</i></p>	<p>All single commercial moorings in all locations and any single moorings that do not have harbormaster approval and/or are located in Federal Navigation Projects (FNPs) – See Page 2 above for definition of FNPs.</p> <p>All moorings that do not meet Category 1, provided:</p> <ul style="list-style-type: none"> • No interference with navigation • No adverse impact to SAS

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>E. PILE-SUPPORTED STRUCTURES AND FLOATS</p> <p><i>Boundaries of Submerged Aquatic Vegetation (SAV) may be required to be located/surveyed in the field. See Corps website for guidance document.</i></p>	<p>Private residential structures with a length limit of 40’ beyond mean high water and to a depth of -4’ mean low water and limited to 4’ in width. Pile-supported structures/floats may not be positioned over SAS.</p> <p>Floats must be supported at least 18” above the intertidal and shallow sub-tidal substrate during all tidal cycles.</p> <ul style="list-style-type: none"> • No structures or floats can be located within the buffer zone (3x the authorized depth of the FNP) of the horizontal limits of FNPs. • No structures or floats can extend across >25% of the waterway width at mean low water. • No new structures or floats associated with boating facilities. • No new pile-supported structures within designated Shellfish Concentration Areas by the Connecticut Department of Environmental Protection, Coastal Area Management Program under CGS Sec. 22a-90 <p>Reconfiguration of existing authorized structures; private or commercial, provided those structures do not extend beyond the existing perimeter of the facility or encroach into SAS.</p>	<p>Structures or floats that are not associated with a new or previously unauthorized boating facility that do not meet Category 1, provided:</p> <ul style="list-style-type: none"> • No interference with navigation • No adverse impact to SAS <p>New structures within an existing boating facility provided those structures do not extend beyond the existing perimeter of the facility.</p> <p>No structures or floats that extend, or with docked or moored vessels, will extend within the horizontal limits of a FNP. See Page 2 above for definition of FNPs.</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>F. AQUACULTURE PROJECTS AND FISHERIES</p> <p>No shellfish dredging, including mechanical or hydraulic in SAS (including SAV), no placement of cultch in beds of SAV under this GP. IP required.</p> <p>Depth of cultch or spatting limited to the minimum necessary for full coverage of the farmed bed bottom and must not result in visible degradation of habitat for other aquatic resources.</p> <p>All structures must be permitted by State of Connecticut Navigation Safety/Boating Access Unit and marked in conformance with applicable State or U.S. Coast Guard Aids to Navigation.</p> <p>No adverse impacts to navigation.</p> <p>Refer to Section 2 coastal text for other requirements.</p>	<p>All facilities must be installed and operated in compliance with the attached Appendix 3 - CT Aquaculture Special Conditions</p> <p>Fish & wildlife harvesting, enhancement, and attraction devices and activities such as pound nets, crab traps, eel pots, lobster traps, shellfish digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This does NOT authorize artificial reefs, impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster.</p> <p>Shellfish seeding/spatted-shell or cultch for the purposes of enhancement or restoration of a native shellfish population and for bottom cultivation associated with commercial shellfish aquaculture on leased grounds that have historically been similarly cultivated.</p> <p>Research, educational or publicly funded experimental aquaculture gear (see definition to the right) or other research activities for indigenous species not to exceed 2 acres.</p> <p>Suspended cages or nets located wholly below and within the footprint of an existing <u>authorized</u> fixed or floating structure provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at mean low water.</p> <p>Installation of a maximum of two floating upwellers with a combined area not to exceed 160 square feet. Cannot be located within the buffer of a FNP**</p> <p>Small-scale shellfish aquaculture gear as listed below with a gear perimeter or footprint (whichever is greater) \leq 2 acres, with no interference to public access, and must comply with CT DEP OLISP Minor Aquaculture General Permit Reporting requirements:</p> <ul style="list-style-type: none"> • 50 or less bottom cages/bags/racks/trays • 50 or less floating cages/bags/racks/trays • 50 or less floating cages/nets suspended on one or more surface-buoyed long-lines • Predator netting/screens 	<p>All facilities must be installed and operated in compliance with the attached Appendix 3 - CT Aquaculture Special Conditions (Appendix</p> <p>All rearing, grow-out or depuration devices or other structures for the culture of native shellfish or marine organisms that do not meet the eligibility requirements of Category 1.</p> <p>Installation of intake and discharge structures for a land-based hatchery.</p> <p>All sub-surface buoyed long-lines.</p> <p><i>Boundaries of SAV's may be required to be located/surveyed in the field. See Corps website for guidance document.</i></p> <p><i>For additional information, please see "A Guide for Marine Aquaculture Permitting in Connecticut" for guidance and application materials found at:</i> www.nae.usace.army.mil/reg/Permits/CT_AquaculturePermitGuide.pdf</p> <p>DEFINITIONS:</p> <p><i>Shellfish Seeding - "the placement of shellfish seed and/or suitable substrate to facilitate shellfish settlement and increase production."</i></p> <p><i>Shellfish Seed - "Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments."</i></p> <p><i>Aquaculture Gear - "Any gear used to contain and/or cultivate shellfish including, but not limited to lines, racks, cages, bags, anchoring devices and buoys required to suspend or mark such structures."</i></p> <p>** FNPs are comprised of Federal Channels and Federal Anchorages. Please click on the link below for more information: http://www.nae.usace.army.mil/navigation/navigation2.asp?mystate=ct</p>

	CATEGORY 1- Activities Eligible for Authorization	CATEGORY 2- Activities Eligible for Authorization
<p>G. MISCELLANEOUS</p>	<p>Temporary buoys, markers, floats, and similar structures for recreational use during specific events, provided they are removed no later than 30 days after the specific event.</p> <p>The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (See 33 CFR 66, Chapter I, C) or as required by CT DEP Navigation Safety/Boating Access Unit.</p> <p>Oil spill clean-up structures and fill done in accordance with Connecticut emergency certification. Special Aquatic Sites must typically be restored in place to approximate pre-impact elevation. Test plots <100 SF for the planting of native, non-invasive wetland species. No grading or discharge of fill, no plant growing devices and no interference with navigation.</p> <p>Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures. Structures may not restrict movement of aquatic organisms.</p> <p>Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes, and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, and historic resources surveys (but not recovery). This does not authorize fill or work in SAS, permanent structures or the drilling and the discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized).</p>	<p>Structures or work in or affecting tidal or navigable waters that are not defined under any of the previous headings listed above. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, bridges, tunnels and horizontal directional drilling activities seaward of the mean high water line.</p> <p>Aquatic habitat restoration, establishment, and enhancement of tidal wetlands and riparian areas provided those activities are proactive and result in net increases in aquatic resource functions and services as decided by the Corps in consultation with federal and state agencies that the net effects are beneficial.</p> <p>Specific activities required to affect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency or Licensed Site Professional with established legal or regulatory authority. Wetlands must typically be restored in place at the same elevation to qualify.</p>
<p>H. BRIDGE WORK</p> <p>No causeways or approach fills.</p>	<p>Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the U. S. Coast Guard issued a bridge permit.</p> <p><i>No fill in SAS. No work in the main stem of the Connecticut River. No work within Federal Navigation Project.</i></p>	<p>Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the U. S. Coast Guard authorizes such discharges as part of the bridge permit.</p>

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

2011 Connecticut General Permit

1. Aquaculture activities under this General Permit as identified within Appendix 2, Section F are subject to the General Permit Conditions and Requirements of the May 31, 2011 Connecticut General Permit (www.nae.usace.army.mil/reg/Permits/CT_PGP.pdf).
2. The project proponent must receive all applicable local and state authorizations for shellfish and aquaculture related activities from Connecticut Department of Agriculture, Bureau of Aquaculture (CT DA/BA) and the Connecticut Department of Energy & Environmental protection (CT DEEP) including a CT DA/BA lease and/or license in accordance with Connecticut General Statutes (CGS) §22-11h, register, if required, with CT DEEP Office of Long Island Sound Programs (OLISP) under the *General Permit for Minor Aquaculture Activities and/or General Permit for Placement of Cultch*, and be in receipt of a *Permit for Regulatory Markers* from CT DEEP Boating Division, if one is required.
3. Before the authorized structures are installed the project proponent **must** submit a permit application and receive authorization for Regulatory Markers ([Link to Regulatory Marker Permit](#)) from the CT DEEP Boating Division, Navigation Safety/Boating Access Unit, P.O. Box 280, 333 Ferry Road, Old Lyme, CT 06371-0280. If CT DEEP Boating regulation does not apply, the applicant shall contact the U.S. Coast Guard (USCG), First District; Aids to Navigation Branch at 408 Atlantic Avenue, Boston, MA 02110-3350 (800-848-3942) to coordinate the proper buoy markers. The permittee shall install and maintain lights, markings and other features as the CT DEEP/USCG requires. Note: Documentation of this coordination will be necessary for existing operations that seek reconfigurations and/or new approvals for structures from the Dept. of Army and for authorizations from the CT DA/BA.
4. Gear may not be located over or within beds of submerged aquatic vegetation (SAV) such as eelgrass or turtle grass, and coastal wetlands (salt marsh), nor shall such beds or vegetated marsh areas be damaged or removed. Routine lease activity including cage maintenance, washing etc. shall not occur within 25 feet of the edge of beds of SAV.
5. All gear shall be designed and deployed in such a manner as to limit, to the greatest extent practicable, negative impacts on avian resources such as, but not limited to, shore birds, wading birds or members of the waterfowl group. This is meant to include nesting, feeding or resting activities by migratory birds identified at 50 CFR 10.13.

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

2011 Connecticut General Permit

6. Installation of structures, their mooring tackle and lines and any attendant vessels shall not create a hazard or interfere with existing navigation uses in the waterway, and structures shall be set back from the Federal Navigation Project (FNP) a distance of at least 200 feet. A list of Connecticut FNP projects can be obtained from the U.S Army Corps of Engineers website ([Link to Federal Navigation Projects](#)).
7. The right of the public to traverse or utilize the waters not physically occupied by authorized structures and/or moored vessels within the areal limits of the authorized gear perimeter shall not be impeded.
8. The placement of cultch shall occur only in appropriate locations for working the bed bottom and colonization by oysters, based upon factors of salinity, water quality, water circulation patterns, and substrate composition and such placement shall not create or exacerbate adverse impact to any aquatic resource (finfish, shellfish, marine mammals, coastal birds), water quality, Essential Fish Habitat¹ or Special Aquatic Sites².
9. New applications of cultch and spatted-shell for the purposes of enhancement or restoration of a native shellfish population and for bottom cultivation associated with commercial shellfish aquaculture on leased grounds cannot be placed within SAV and is limited to the minimum amount necessary for coverage of the target area.
10. The permittee shall be responsible to remove all gear and associated equipment within any leased or designated shellfish area in the event that the operator surrenders or loses the right to its use. ³
11. The subject aquaculture activity shall not discernibly interfere with natural sedimentation and erosion processes.

¹ Essential Fish Habitat: Those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.

² Special Aquatic Sites: Include Wetlands (inland and salt marsh), intertidal mud flats, vegetated shallow (permanently inundated areas that support rooted aquatic vegetation such as eelgrass, celery grass and tapegrass), and coral reefs. Per 33 CFR Part 230 Subpart E.

³ In some situations, a performance bond may be required.

APPENDIX 3

GENERAL PERMIT - STANDARD AQUACULTURE
TERMS AND CONDITIONS

DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

2011 Connecticut General Permit

12. To be eligible for authorization under Category 1 of this permit, an upwelling device and/or work floats cannot exceed two units or a combined total square footage of 160 square feet. These structures must be permitted by State of Connecticut Navigation Safety/Boating Access Unit and/or marked in conformance with applicable State or U.S. Coast Guard Aids to Navigation.
13. Suspended cages or nets for the rearing or grow out of shellfish are permitted under this category, provided they are located wholly below and within the footprint of an existing, authorized fixed or floating structure and provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW. The structures that the gear will be adhered to must be in conformance with the structures permit for that "site."
14. Aquaculture projects authorized herein shall not interfere with public shore access at or below mean high water or interfere with the access to any riparian or littoral property.

APPENDIX 4

CONTACTS FOR CONNECTICUT GENERAL PERMIT:

1. FEDERAL

U.S. Army Corps of Engineers

New England District, Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742-2751
(800) 343-4789 or (978) 318-8335
(978) 318-8303 - fax

National Park Service

North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5203

Federal Endangered Species (F&WS):

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

Federal Endangered Species & EFH (NMFS)

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Phone: (978) 281-9102
(978) 281-9301 - fax

U.S. Environmental Protection Agency, Region I

5 Post Office Square, Suite 100
Boston, Massachusetts 02109
(617) 918-2000

Department of Agriculture

Bureau of Aquaculture
P. O. Box 97
190 Rogers Avenue
Milford, Connecticut 06460
(203) 874-0696

2. STATE OF CONNECTICUT

Department of Energy & Environmental Protection

(Coastal Projects)

Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034

(Aquaculture Projects)

Connecticut Department of Agriculture
Bureau of Aquaculture & Laboratory
PO Box 97
Milford, CT 06460
(203) 874-0696

(Inland Projects)

Inland Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3019

(State Endangered Species)

Bureau of Natural Resources
Wildlife Division
Natural Diversity Data Base
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3011

(Mashantucket Pequot Tribal Nation)

Department of Natural Resources Protection &
Regulatory Affairs
550 Trolley Line Boulevard
P. O. Box 3202
Mashantucket, Connecticut 06338-3202

3. HISTORIC PROPERTIES

Tribal Historic Preservation Officers

Mashantucket Pequot Tribal Historic Pres. Officer
Attn: Ms. Elaine Thomas, THPO
Mashantucket Pequot Tribal Nation
550 Trolley Line Boulevard
P. O. Box 3202
Mashantucket, Connecticut 06338-3202
phone (860) 396-7570
fax (860) 396-6745

The Mohegan Tribe
James Quinn
Tribal Historic Preservation Officer
13 Crow Hill Rd.
Uncasville, CT 06382
(860) 862-6393

Archaeological Information

Connecticut Commission on Culture and Tourism
Historic Preservation & Museum Division
One Constitution Plaza, 2nd Floor
Hartford, Connecticut 06103-6103
(860) 424-3005

4. ORGANIZATIONAL WEBSITES

U. S. Army Corps of Engineers www.nae.usace.army.mil (click “Regulatory/Permitting”)
U. S. Army Corps of Engineers Headquarters www.usace.army.mil (click “Services for the Public”)
U.S. Environmental Protection Agency www.epa.gov/owow/wetlands/
National Marine Fisheries Service www.nmfs.noaa.gov
U.S. Fish and Wildlife Service www.fws.gov
National Park Service www.nps.gov/rivers/index.html/
Federal Emergency Management Agency www.fema.gov
Connecticut Dept. of Energy & Environmental Protection www.ct.gov/dep/
Connecticut Dept. of Agriculture, Bureau of Aquaculture & Laboratory www.ct.gov/doag/
U.S. Environmental Protection Agency, Region 1 – Low Impact Development-practices and state-specific resources, including CT DEP Stormwater Quality Manual www.epa.gov/ne/topics/water/lid.html
U.S. Environmental Protection Agency – Green Infrastructure website www.epa.gov/greeninfrastructure



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

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: _____

Project Manager_____

Name of Permittee: _____

Permit Issuance Date: _____

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch B *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

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Telephone Number