



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
NEW ENGLAND DISTRICT OFFICE
696 VIRGINIA ROAD
CONCORD MASSACHUSETTS 01742-2718

June 13, 2025

Regulatory Division
Connecticut & Rhode Island Section

Jennifer Donahue
The Point, LLC & Town of Old Saybrook
302 Main Street
Old Saybrook, CT 06475
Via Email: jennifer.donahue@oldsaybrookct.gov

Dear Ms. Donahue:

This letter is in response to the application you submitted to the U.S. Army Corps of Engineers (USACE), New England District for a Department of the Army general permit verification. We have assigned this project file number NAE-2025-01003, which you should reference in all correspondence with this office.

A review of the information provided indicates the proposed work includes the retention and repair/replacement of the existing structures and fill including the following regulated work:

1. Rebuild the 49' x 49' timber deck in-place and in-kind (approx. 13 SF bottom impacts to replace timber piles).
2. Repair the riprap as follows: Restack dislodged stones within the existing 4' to 15' x 210' footprint (1,850 SF bottom impacts in-place and kind) and add approximately 10 cubic yards (10% of existing volume) of new stone.
3. Repair the bulkhead as follows: Rebuild the 3.5' x 525' stone bulkhead and 3.5' x 12.5' return in-place and in-kind, to a top elevation of 4.5' NAVD 88. Place 2' x 525' (250 cy) of concrete fill landward of the bulkhead. Install a 5.5' x 525' x 1.5' (160 cy) bed of crushed stone beneath the bulkhead and concrete fill. Install a 3' x 525' (365 cy) crushed stone drainage apron wrapped in heavy-duty filter fabric landward of the concrete fill.
4. Rebuild the 1' x 350' concrete wall in-place and in-kind, to a top elevation of 7.5' NAVD 88.
5. Install a new pedestrian access walkway atop the bulkhead as follows: Install a 10' x 510' (130 cy) concrete walkway to a top elevation of 5.2' NAVD 88 a 14.5' x 14.5' (6 cy) concrete pad to a top elevation of 5.2' NAVD 88 on the northern end of the walkway a 14.5' x 14.5' gazebo atop the concrete pad.

The project is located in the Connecticut River; at 145 & Lot #42-2 College Street, at Latitude 41.285470° and Longitude -72.350460°; in Old Saybrook, Lower Connecticut River Valley Planning Region County, Connecticut. The work is shown on the enclosed plans titled "Bulkhead Repair & Walkway Project", on 8 sheets, and dated 3/5/2025.

Based on the information you have provided, we verify that the activity is authorized under General Permit 2, Repair or maintenance of existing currently serviceable, authorized or grandfathered structures/fills, removal of structures of the December 15, 2021, federal permit known as the Connecticut General Permits (GPs). If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised application must be submitted to this office for written approval before work is initiated. You can find a copy of these permits at:

<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/>

Any deviation from the terms and conditions of the permit, or your submitted plans, may subject the permittee to the enforcement provisions of our regulations. Therefore, in the event changes to this project are contemplated, it is recommended you coordinate with this office prior to proceeding with the work. This office must approve any changes before you undertake them. You must perform this work in compliance with the terms and conditions of the GPs listed above, and also in compliance with the following special conditions:

Project Specific Special Conditions:

1. The permittee shall complete and return the enclosed Work-Start Notification Form to this office at least two weeks prior to the anticipated construction start date.
2. The permittee shall complete and return the enclosed Completion Certification Form to this office at least one month following the completion of the authorized work.
3. All temporary work barges and berthed vessels must maintain a distance greater than three times the authorized depth of the Connecticut River Saybrook to Haddam Navigation Channel.
4. The work authorized herein shall not be conducted during the time of year (TOY) restriction of November 1 to March 15 in order to minimize adverse impacts to overwintering shortnose sturgeon. If in water work is necessary during the TOY, a soft start and/or turbidity curtains must be incorporated/installed during the overwintering period.
5. All pile driving below mean low water should be prohibited during the period from April 1 to June 30, inclusive.
6. Work capable of producing turbidity or sedimentation should be done during periods of low-flow or no-flow, when the tide is waterward of the work, or when controls are used to obtain dry work conditions. If greater than minimal turbidity should occur during construction, turbidity curtains must be installed to minimize sedimentation impacts.
7. A "soft start" is required to allow animals an opportunity to leave the project

vicinity before sound pressure levels increase. In addition to using a soft start at the beginning of the workday for pile driving, one must also be used at any time following cessation of pile driving for a period of 30 minutes or longer.

For impact pile driving: Pile driving will commence with an initial set of three strikes by the hammer at 40% energy, followed by a one-minute wait period, then two subsequent 3-strike sets at 40% energy, with one-minute waiting periods, before initiating continuous impact driving.

For vibratory pile installation: Pile driving will be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period will be repeated two additional times, followed immediately by pile-driving at full rate and energy.

This verification is valid until December 15, 2026. You must commence or be under contract to commence the work authorized herein by December 15, 2026 and complete the work by December 15, 2027 (ONE YEAR AFTER VERIFICATION EXPIRATION). If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. It is recommended that you contact this office before this authorization expires to discuss if permit reissuance is a possibility.

This GP verification and any associated authorizations does not preclude the necessity to obtain any other federal, state, or local permits, licenses, and/or certifications, which may be required.

This determination becomes valid only after the Connecticut Department of Energy & Environmental Protection (DEEP) issues or waives the following applicable State permits: Certificate of Permission (COP); General Permit (LIS-GP); Tidal Wetlands Permit; Structures and Dredging and Filling Permit; Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act; and/or a Section 307 Coastal Zone Management Act consistency determination. In the event the DEEP denies any of these permits, this determination becomes null and void. The address of the DEEP office for your area is provided in the enclosed GP.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Andrea Williams, Project Manager, CT/RI Section at (978)318-8494, or by email at andrea.n.williams@usace.army.mil. This agency continually strives to improve our customer service. To better serve you, please complete the Customer Service Survey located at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,



Kevin Kotelly, P.E.
Chief, CT/RI Section
Regulatory Division

Enclosures

Cc (w/enclosures):

Christina Fluckiger, Coastline Consulting & Development, LLC (via christina@coastlineconsulting-ct.com)

Sabrina Pereira, NOAA; (via Sabrina.perira@noaa.gov)

Darcy Winther, CT DEEP Land and Water Resources Division; (via darcy.winther@ct.gov)

Work-Start Notification Form

**File Number: NAE-2025-01003 State: Connecticut County: Lower
Connecticut River Valley Planning Region**

**Permittee: The Point, LLC & Town of Old Saybrook, Jennifer Donahue
Date Verification Issued: 6/13/2025
Project Manager: Andrea Williams**

At least two weeks prior to commencing the activity authorized by this permit, sign this certification and return it to the following address:

**US ARMY CORPS OF ENGINEERS
New England District
Attn: Andrea Williams
696 Virginia Road
Concord, Massachusetts 01742-02751
or
andrea.n.williams@usace.army.mil
(978)318-8494**

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers (USACE) representative. Failure to comply with any terms or conditions of this authorization may result in the USACE suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

Contractor Name/Contractor Firm: _____

Business Address: _____

Contractor Phone and Email: _____

Proposed Construction Dates: Start: _____ **Finish:** _____

Signature of Permittee

Date

<p>U.S. Army Corps of Engineers (USACE)</p> <p>CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT</p> <p>For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.</p>	<p><i>Form Approved -</i></p> <p>OMB No. 0710-0003</p> <p>Expires 2027-10-31</p>
--	--

The Agency Disclosure Notice (ADN)

The Public reporting burden for this collection of information, 0710-0003, is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PURPOSE: This form is used by recipients of U.S. Army Corps of Engineer Regulatory permits to certify compliance with the permit terms and conditions.

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

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the U.S. Army Corps of Engineers, New England District, Regulatory Office.

The certification can be submitted by email at cenae-r-ct @usace.army.mil or by mail at the below address:

U.S. Army Corps of Engineers
 New England District Office
 Street Address: 696 Virginia Road
 City: Concord State: MA Zip Code: 01742

COMPLETED BY THE CORPS

Corps Action Number:	NAE-2025-01003
Permit Type: <u>General Permit</u>	
General Permit Number and Name (<i>if applicable</i>):	2, Repair or maintenance of existing currently serviceable, authorized or grandfathered structures/fills, removal of structures
Name of Permittee:	Jennifer Donahue
Project Name:	BULKHEAD REPAIR & WALKWAY PROJECT
Project Location (<i>physical address</i>):	145 & Lot #42-2 College Street Old Saybrook, Connecticut

PERMITTEE'S CERTIFICATION

Date Work Started: _____

Date Work Completed: _____

Enclose photographs showing the completed project (*if available*).

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

Name	Date	Signature
------	------	-----------

BULKHEAD REPAIR & PEDESTRIAN WALKWAY PROJECT

THE POINT, LLC & TOWN OF OLD SAYBROOK
145 & LOT #42-2 COLLEGE STREET, OLD SAYBROOK, CONNECTICUT

DRAWING LIST				
SHEET NO.	SHEET TITLE	ORIGINAL DATE	REVISION DATE	NOTES
1 OF 8	TITLE SHEET	3-5-2025		
2 OF 8	USGS TOPOGRAPHIC QUADRANGLE MAP	3-5-2025		
3 OF 8	GEOGRAPHIC INFORMATION SYSTEM MAP	3-5-2025		
4 OF 8	EXISTING CONDITIONS PLAN	3-5-2025		
5 OF 8	PROPOSED CONDITIONS PLAN	3-5-2025		
6 OF 8	ELEVATION A	3-5-2025		
7 OF 8	ELEVATION B	3-5-2025		
8 OF 8	ELEVATION C	3-5-2025		

PROJECT NOTES

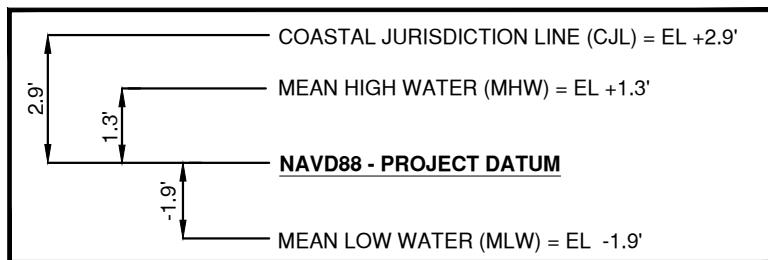
- REFERENCE IS MADE TO THE FOLLOWING:
 - "TOPOGRAPHIC SURVEY & HYDROGRAPHIC SURVEY, THE POINT, LLC & TOWN OF OLD SAYBROOK PROPERTY, 145 & LOT 42-2 COLLEGE STREET, OLD SAYBROOK, CONNECTICUT", DATED MAY 20, 2024, SCALE 1" = 30' AND PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC (TIMOTHY MCCARTHY CERTIFIED HYDROGRAPHER, Cert No. 296) AND CERTIFIED TO CLASS T-2 STANDARDS OF ACCURACY BY JAMES NAGLE, L.S., LIC. NO. 15195 (EXCLUSIVE OF SOUNDINGS).
- BENCHMARK, TIDE LINES, UPLAND ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). THE CJL (COASTAL JURISDICTION LINE) ELEVATION OF 2.9' NAVD88 IS THE VALUE FOR OLD SAYBROOK, CT AS ESTABLISHED BY THE CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION.

GENERAL NOTES

- THESE DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, FIELD OBSERVATIONS, DRAWINGS NOTED HEREON, AND OTHER SOURCES.
- THESE DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND NOT INTENDED FOR STRUCTURAL DESIGN, BID DOCUMENTS, OR CONSTRUCTION.
- THE FEMA FLOOD LINES ARE DIGITIZED FROM A REFERENCE MAP NOTED HEREON, SHOWN TO SATISFY PERMIT REQUIREMENTS, AND NOT INTENDED FOR INSURANCE OR ELEVATION CERTIFICATE PURPOSES. BASE FLOOD ELEVATIONS ARE IN NAVD88.
- SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING & DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.



TIDAL DATUM PLANE

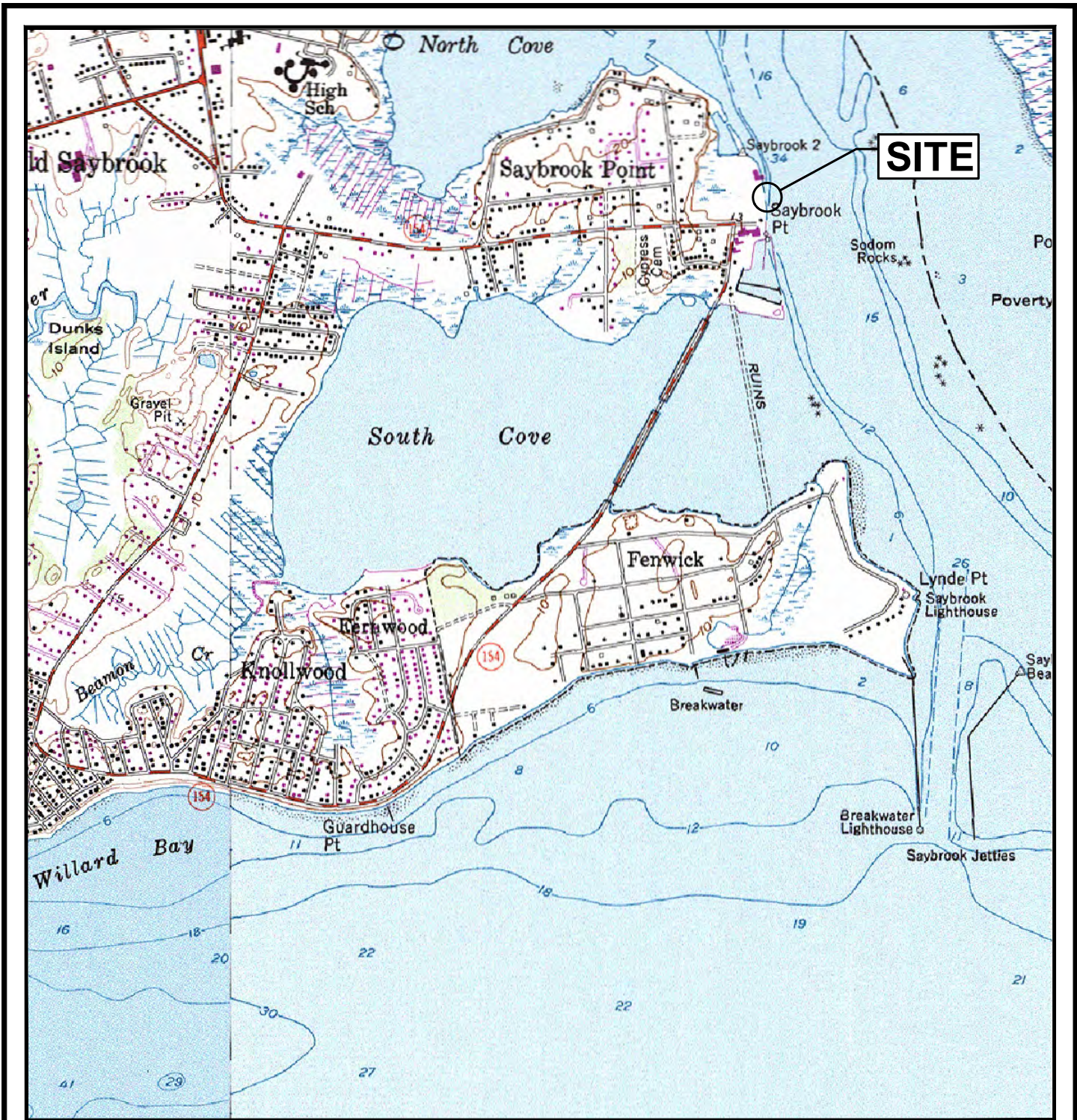


Coastline Consulting & Development
57-B East Industrial Road, Branford, CT 06405
(203) 433-4486

TITLE SHEET
BULKHEAD REPAIR & WALKWAY PROJECT

THE POINT, LLC & TOWN OF OLD SAYBROOK
145 & LOT #42-2 COLLEGE STREET
OLD SAYBROOK, CONNECTICUT

3-5-2025 | JOB NO. 24-034 | SHEET 1 OF 8



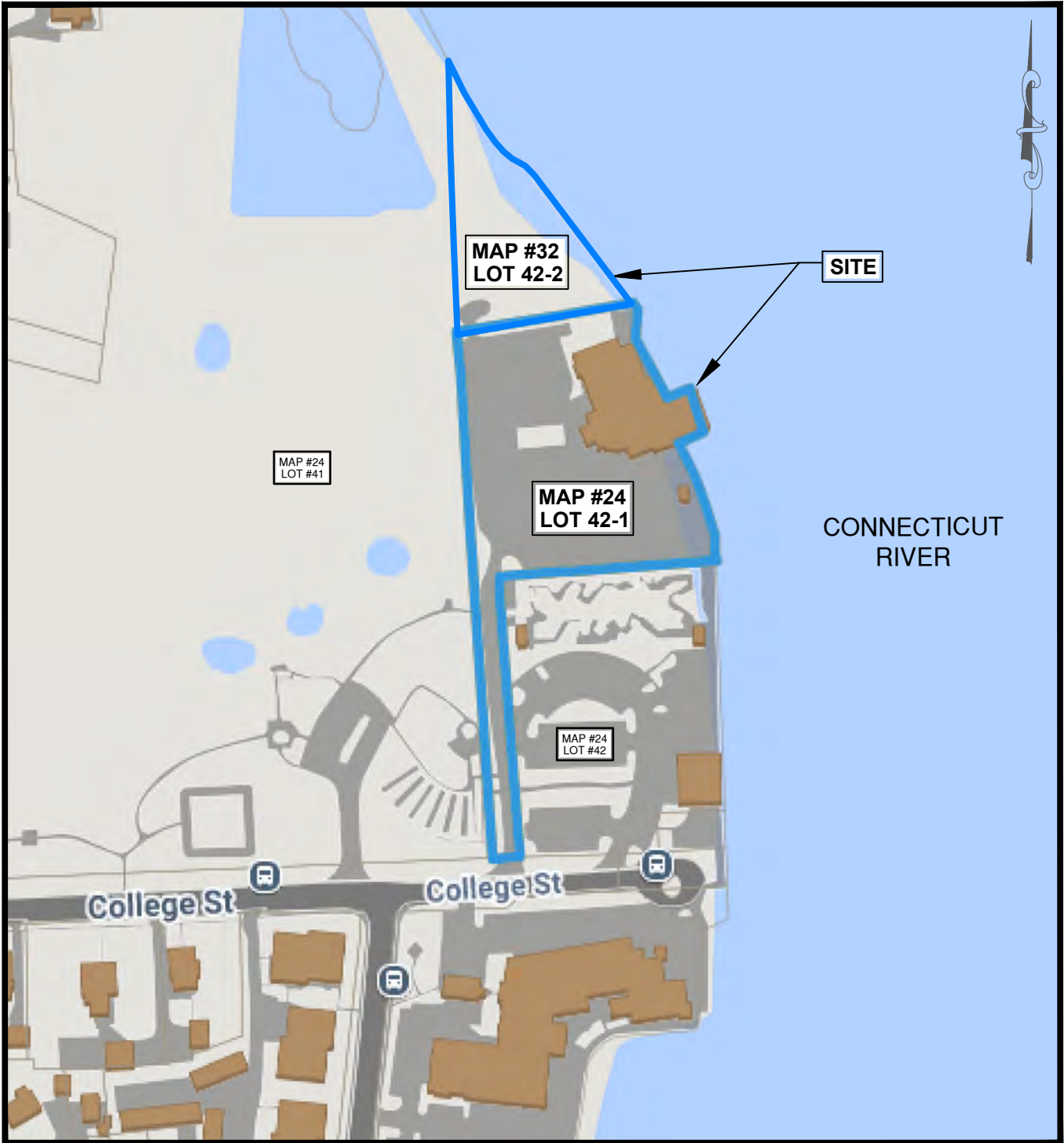
Coastline Consulting & Development
 57-B East Industrial Road, Branford, CT 06405
 (203) 433-4486

USGS TOPOGRAPHIC QUADRANGLE MAP
 BULKHEAD REPAIR & WALKWAY PROJECT

THE POINT, LLC & TOWN OF OLD SAYBROOK
 145 & LOT #42-2 COLLEGE STREET
 OLD SAYBROOK, CONNECTICUT

NOTE: MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE OLD SAYBROOK, CONNECTICUT, QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984).

3-5-2025 | SCALE: 1 = 24,000 | SHEET 2 OF 8



ADJACENT WATERSIDE PROPERTY OWNERS

MAP#	LOT#	PROPERTY OWNER	PROPERTY ADDRESS	MAILING ADDRESS
24	41	OLD SAYBROOK TOWN OF	115 COLLEGE ST OLD SAYBROOK, CT 06475	302 MAIN ST OLD SAYBROOK, CT 06475
24	42	OLD SAYBROOK TOWN OF	155 COLLEGE ST OLD SAYBROOK, CT 06475	302 MAIN ST OLD SAYBROOK, CT 06475

Coastline Consulting & Development
 57-B East Industrial Road, Branford, CT 06405
 (203) 433-4486

GEOGRAPHIC INFORMATION SYSTEM MAP
 BULKHEAD REPAIR & WALKWAY PROJECT

THE POINT, LLC & TOWN OF OLD SAYBROOK
 145 & LOT #42-2 COLLEGE STREET
 OLD SAYBROOK, CONNECTICUT

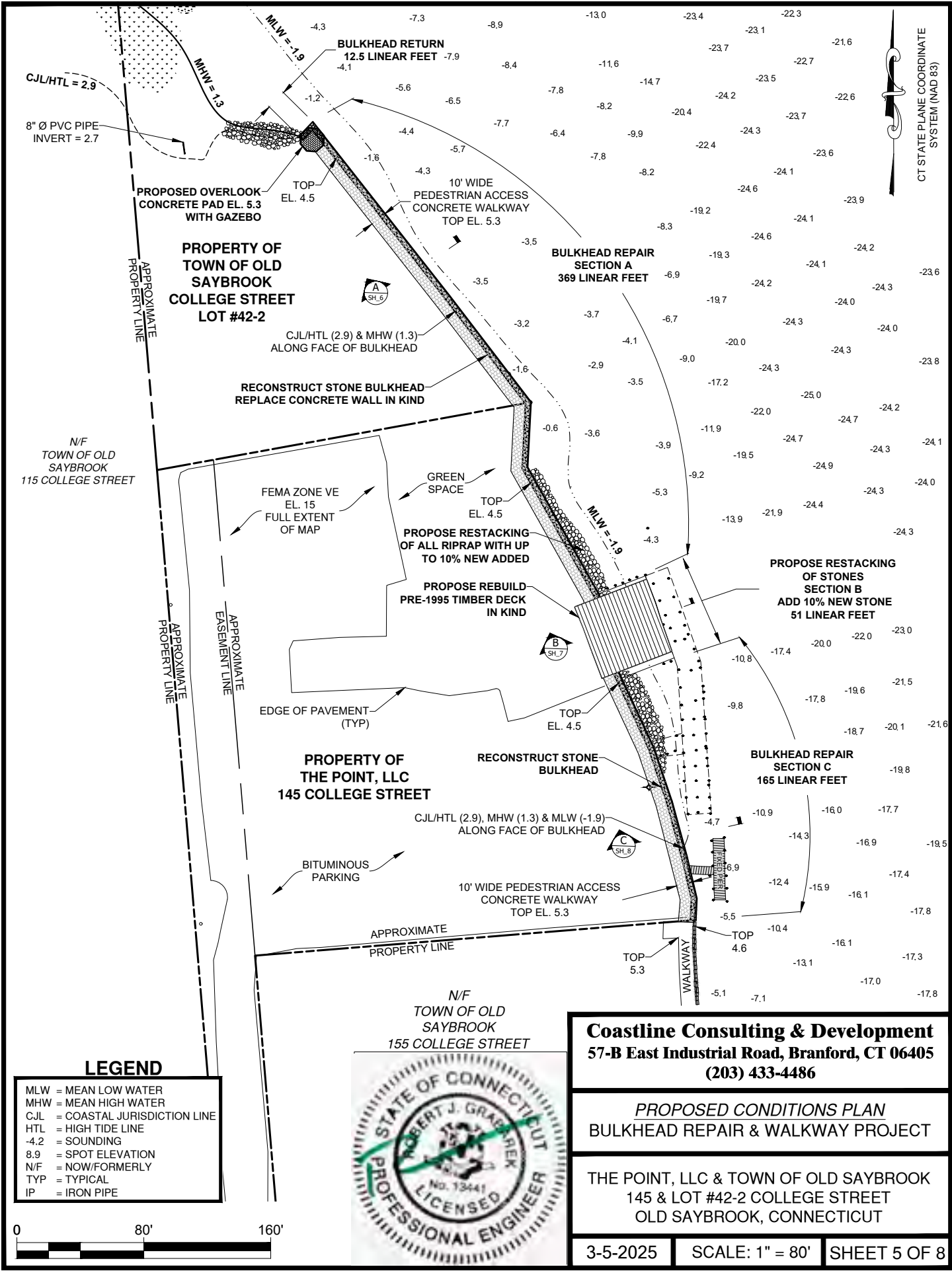


MAP TAKEN FROM OLD SAYBROOK, CT GIS MAPPING

3-5-2025

SCALE: 1" = 200'

SHEET 3 OF 8



CT STATE PLANE COORDINATE SYSTEM (NAD 83)

8" Ø PVC PIPE INVERT = 2.7

PROPOSED OVERLOOK CONCRETE PAD EL. 5.3 WITH GAZEBO

PROPERTY OF TOWN OF OLD SAYBROOK COLLEGE STREET LOT #42-2

CJL/HTL (2.9) & MHW (1.3) ALONG FACE OF BULKHEAD

RECONSTRUCT STONE BULKHEAD REPLACE CONCRETE WALL IN KIND

N/F TOWN OF OLD SAYBROOK 115 COLLEGE STREET

FEMA ZONE VE EL. 15 FULL EXTENT OF MAP

GREEN SPACE

PROPOSE RESTACKING OF ALL RIPRAP WITH UP TO 10% NEW ADDED

PROPOSE REBUILD PRE-1995 TIMBER DECK IN KIND

PROPOSE RESTACKING OF STONES SECTION B ADD 10% NEW STONE 51 LINEAR FEET

EDGE OF PAVEMENT (TYP)

PROPERTY OF THE POINT, LLC 145 COLLEGE STREET

RECONSTRUCT STONE BULKHEAD

CJL/HTL (2.9), MHW (1.3) & MLW (-1.9) ALONG FACE OF BULKHEAD

BITUMINOUS PARKING

10' WIDE PEDESTRIAN ACCESS CONCRETE WALKWAY TOP EL. 5.3

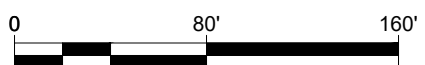
BULKHEAD REPAIR SECTION C 165 LINEAR FEET

APPROXIMATE PROPERTY LINE

N/F TOWN OF OLD SAYBROOK 155 COLLEGE STREET

LEGEND

- MLW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- CJL = COASTAL JURISDICTION LINE
- HTL = HIGH TIDE LINE
- 4.2 = SOUNDING
- 8.9 = SPOT ELEVATION
- N/F = NOW/FORMERLY
- TYP = TYPICAL
- IP = IRON PIPE

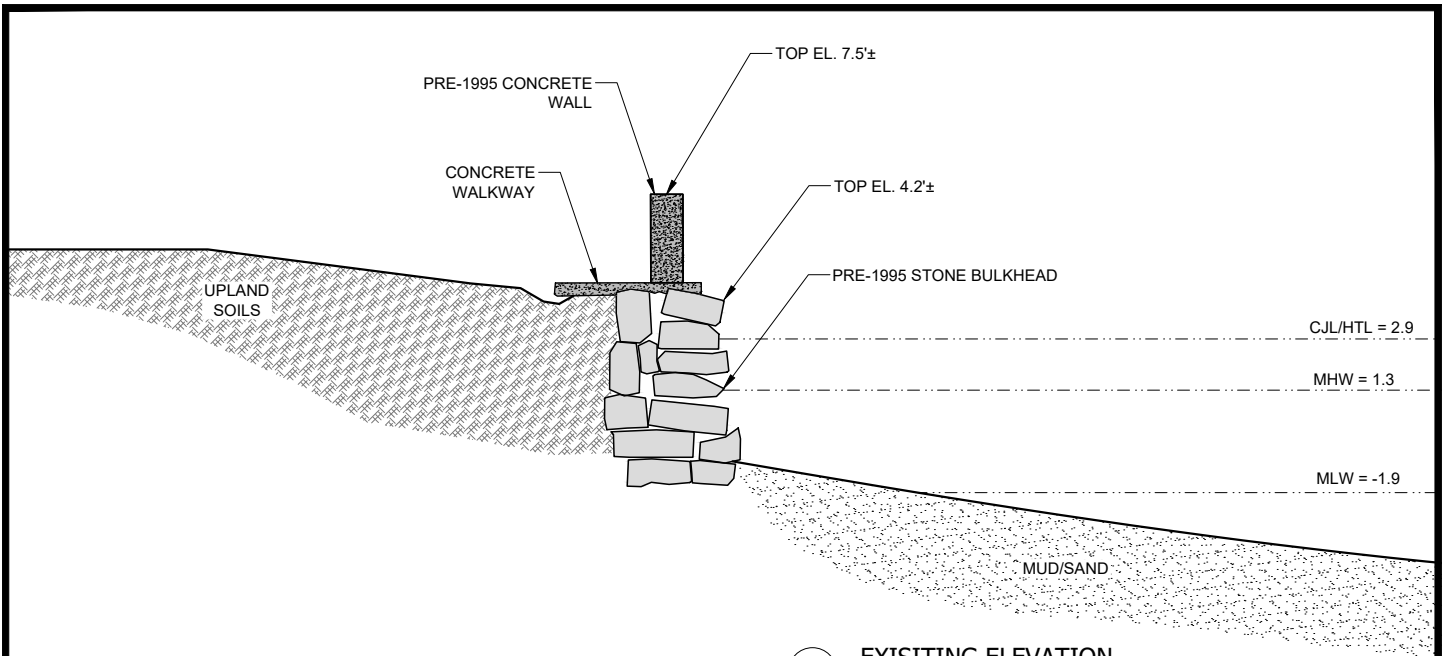


Coastline Consulting & Development
 57-B East Industrial Road, Branford, CT 06405
 (203) 433-4486

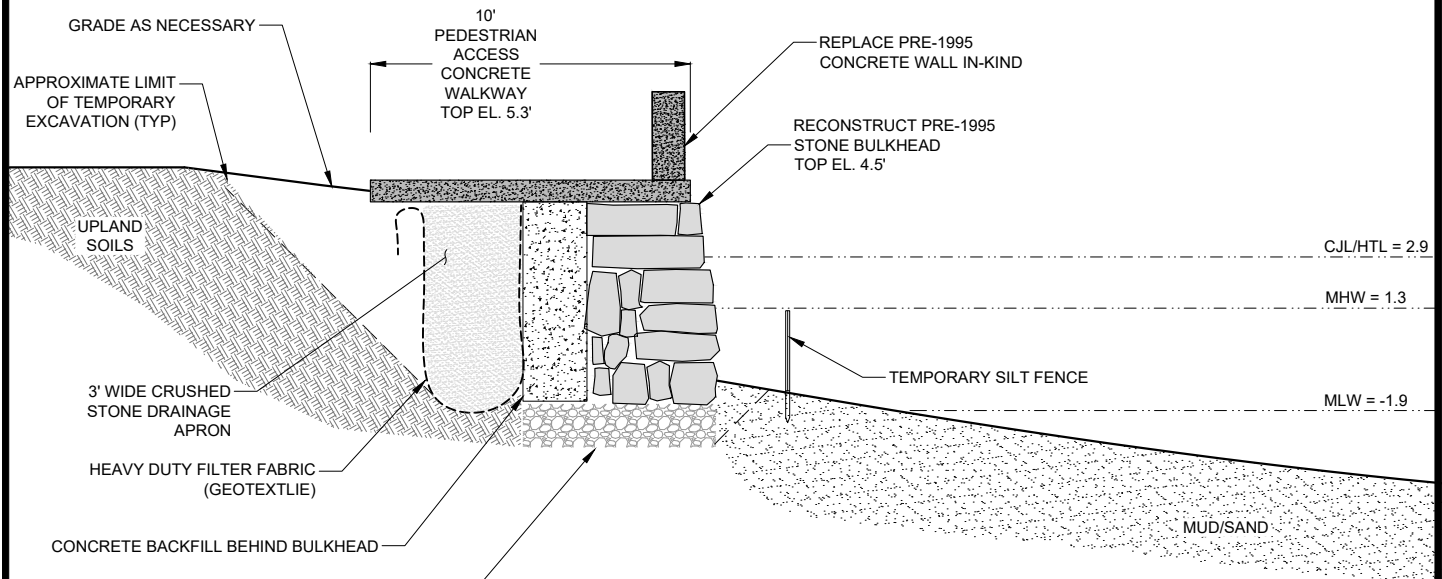
PROPOSED CONDITIONS PLAN
BULKHEAD REPAIR & WALKWAY PROJECT

THE POINT, LLC & TOWN OF OLD SAYBROOK
 145 & LOT #42-2 COLLEGE STREET
 OLD SAYBROOK, CONNECTICUT

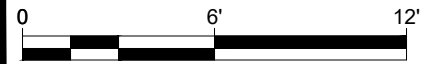
3-5-2025 SCALE: 1" = 80' SHEET 5 OF 8



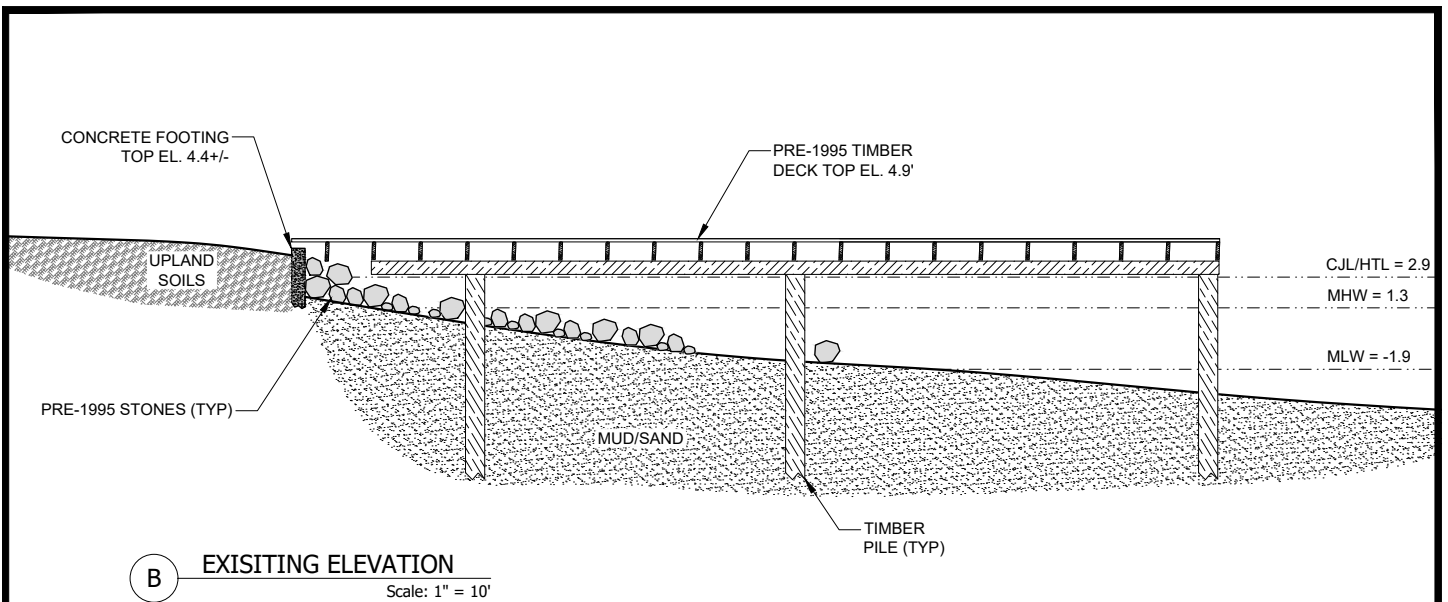
A EXISTING ELEVATION
Scale: 1" = 6'



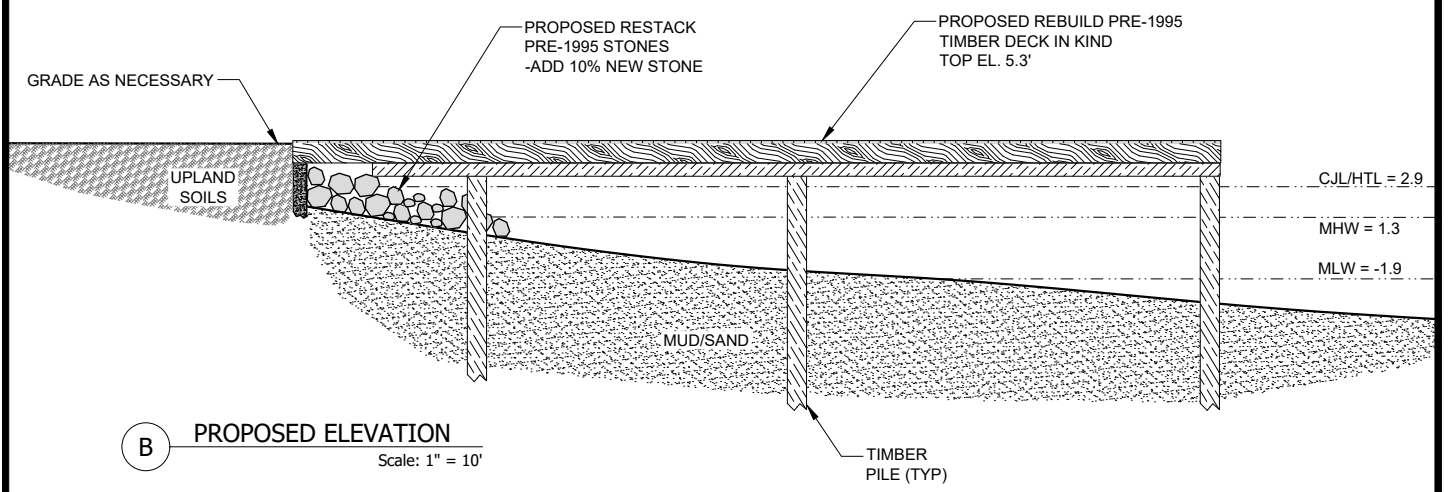
A PROPOSED ELEVATION
Scale: 1" = 6'



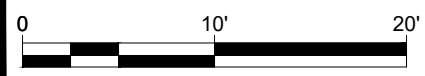
Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486		
<i>ELEVATION A</i> BULKHEAD REPAIR & WALKWAY PROJECT		
THE POINT, LLC & TOWN OF OLD SAYBROOK 145 & LOT #42-2 COLLEGE STREET OLD SAYBROOK, CONNECTICUT		
3-5-2025	SCALE: 1" = 6'	SHEET 6 OF 8



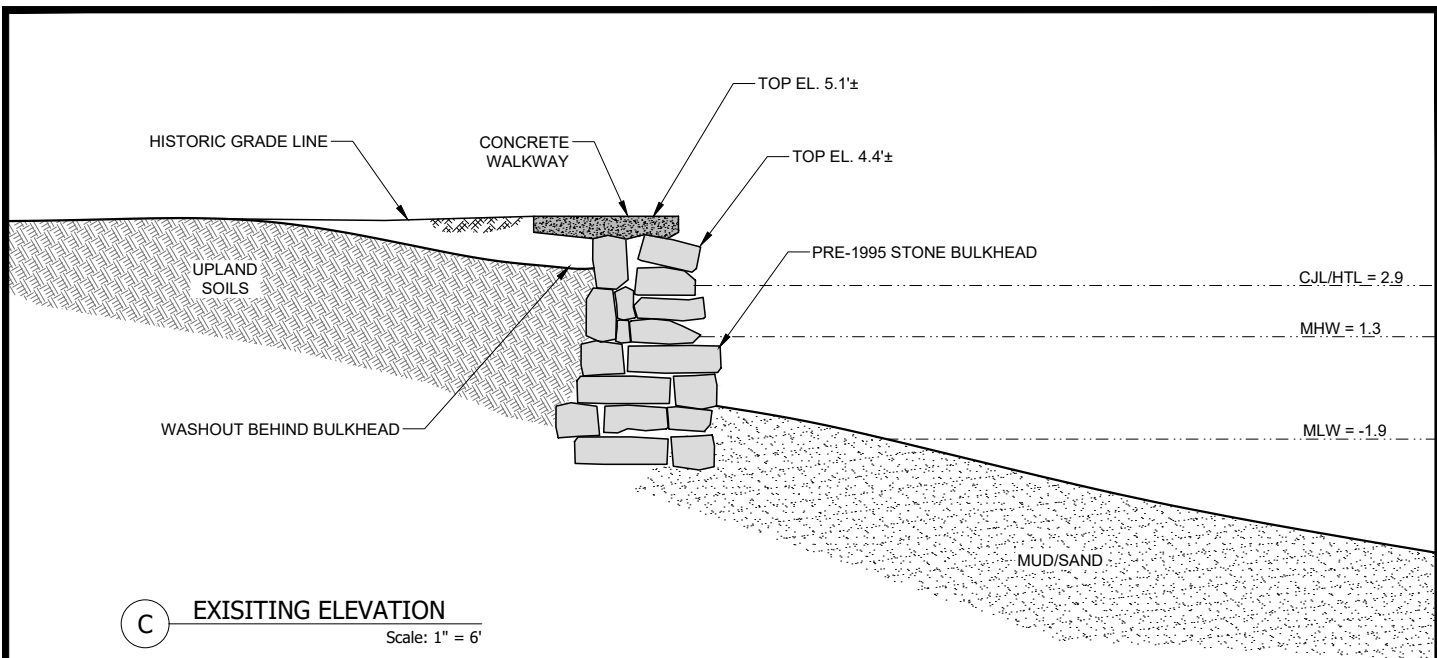
B EXISTING ELEVATION
Scale: 1" = 10'



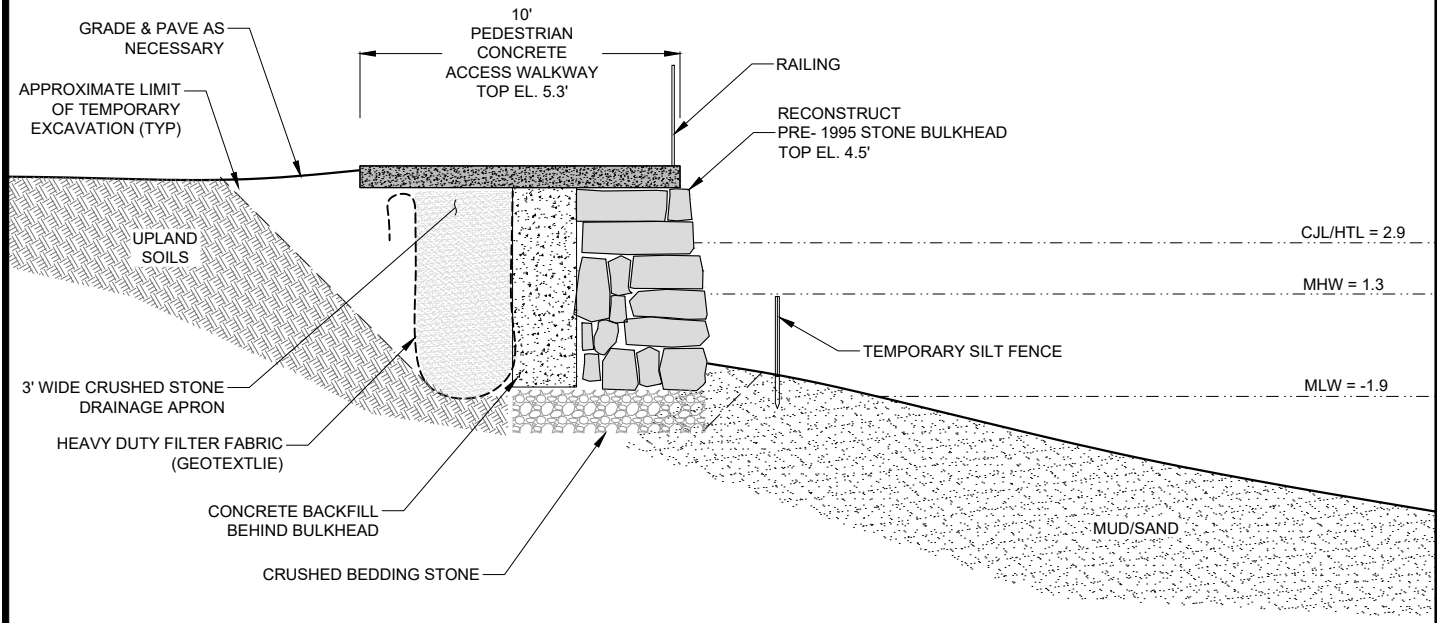
B PROPOSED ELEVATION
Scale: 1" = 10'



Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486		
<i>ELEVATION B</i> BULKHEAD REPAIR & WALKWAY PROJECT		
THE POINT, LLC & TOWN OF OLD SAYBROOK 145 & LOT #42-2 COLLEGE STREET OLD SAYBROOK, CONNECTICUT		
3-5-2025	SCALE: 1" = 10'	SHEET 7 OF 8



C EXISTING ELEVATION
Scale: 1" = 6'



C PROPOSED ELEVATION
Scale: 1" = 6'



Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486		
<i>ELEVATION C</i> BULKHEAD REPAIR & WALKWAY PROJECT		
THE POINT, LLC & TOWN OF OLD SAYBROOK 145 & LOT #42-2 COLLEGE STREET OLD SAYBROOK, CONNECTICUT		
3-5-2025	SCALE: 1" = 6'	SHEET 8 OF 8

APPENDIX B - GENERAL CONDITIONS

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

2. Federal Jurisdiction

a. Applicability of these GPs shall be evaluated with reference to federal jurisdictional boundaries (e.g., mean high water mark (MWH), high tide line (HTL), ordinary high water mark (OHW), and wetland boundary). Activities shall be evaluated with reference to “waters of the U.S.” under the Clean Water Act (33 CFR 328) and “navigable waters of the U.S.” under Section 10 of the Rivers and Harbors Act of 1899 (33 CFR 329). Prospective permittees are responsible for ensuring that the boundaries satisfy the federal criteria defined at 33 CFR 328 – 329. These sections prescribe the policy, practice, and procedures to be used in determining the extent of USACE jurisdiction.

b. Permittees shall identify the following aquatic resources on project plans: wetlands and other special aquatic sites (SAS) including vegetated shallows (also known as submerged aquatic vegetation (SAV)), riffle and pool complexes, sanctuaries and refuges, coral reefs, and mudflats; and other waters such as lakes and ponds; and perennial and intermittent streams on the project site. Wetlands shall be delineated in accordance with the Corps of Engineers Wetlands Delineation Manual and its applicable regional supplement.

3. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)

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

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

c. Compensatory mitigation¹ for unavoidable impacts to waters of the U.S., including direct, secondary and temporal², will generally be required for projects with permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

Note: The USACE Connecticut In-Lieu Fee Program allows USACE permittees, as compensation for their project impacts to aquatic resources of the U.S. in Connecticut to make monetary payment *in-lieu* of permittee-responsible mitigation. Information is provided at <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/In-Lieu-Fee-Programs/CT/>. This only applies to USACE required mitigation and additional CT DEEP mitigation may be required.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, USACE 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 USACE 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 adverse environmental effects that are more than minimal, or if there is a special resource or concern

¹ Compensatory mitigation sites proposed to offset losses of aquatic resource function must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Standard Operating Procedures at <http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

² Temporal loss: The time lag between the losses of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

associated with a particular project. Whenever USACE notifies an applicant that an Individual Permit may be required, authorization under these GPs is voided and no work may be conducted in waters of the U.S. until a USACE Individual Permit is obtained or until USACE notifies the applicant that further review has demonstrated that the work may be reviewed under these GPs.

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

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

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

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

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

7. Use of Multiple General Permits. The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 19, with an associated utility line crossing authorized by GP 6, if the maximum acreage loss of waters of the U.S. for the total project is ≥ 1 acre it shall be evaluated as an IP.

8. USACE Property and Federal Projects

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

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

c. Any proposed temporary or permanent modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), or any use which would obstruct or impair the usefulness of the Federal project in any manner, and/or would involve changes to the authorized Federal project’s scope, purpose, and/or functioning, is not eligible for SV and will also require review and approval by USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) (Section 408)

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

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

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

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

10. Wild and Scenic Rivers

a. The following activities in designated rivers of the National Wild and Scenic River (WSR) System, or in a river designated by Congress as a “study river” for possible inclusion in the system, require a PCN or IP unless the National Park Service (NPS) has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

(1) Activities that occur in WSR segments, in and 0.25 mile up or downstream of WSR segments, or in tributaries within 0.25 miles of WSR segments;

(2) Activities that occur in wetlands within 0.25 mile of WSR segments; or

(3) Activities that have the potential to alter free-flowing characteristics in WSR segments. The

District Engineer will coordinate the application with the NPS or its designee with direct management responsibility for that river.

b. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

c. As of 2021, designated 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); the Lower Farmington River from Canton to Windsor (study river – including its tributary Salmon Brook) and the Wood & Pawcatuck Rivers. Additional information can be found at:

<http://www.rivers.gov/connecticut.php>.

11. Historic Properties

a. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) to properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places³, including previously unknown historic properties within the permit area, unless USACE or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) and the National Register of Historic Places can assist with locating information on:

(1) Previously identified historic properties; and

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

b. For activities eligible for SV, proponents must document that the activity will not cause effects as stated in 11(a). To comply with this condition, both SV and PCN prospective permittees shall notify the CT SHPO and THPOs for projects in close proximity to tribal lands or with potential impacts to tribal lands and request their identification of historic properties and cultural resources. The notification shall consist of the project location, plans, and brief narrative and state that a federal permit is required. Documentation of the notification to the SHPO/THPO shall be included with the SV or PCN submittal and dated. If no response is received within 30-days from the SHPO/THPO notification, the Corps may proceed to a permit decision on an SV or PCN. A PCN or IP is required if any activity may have an adverse effect on a historic property or cultural resource.

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

c. Proponents must submit a PCN to USACE as soon as possible if the authorized activity may cause effects as stated in 11(a) to ensure that USACE is aware of any potential effects of the permitted activity on any historic property or cultural resource so that the consultation requirements of Section 106 of NHPA can be satisfied.

d. All PCN (inland projects) submittals shall:

1) show notification to the SHPO and applicable THPO(s) for their identification of historic properties or cultural resources (https://portal.ct.gov/-/media/DECD/Historic-Preservation/01_Programs_Services/Environmental-Review/ProjectNotificationForm_2021.pdf). If no response is received within 30-days from the SHPO/THPO notification, the Corps may proceed to a permit decision on an SV or PCN.

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

3) include any available documentation from the SHPO or THPO(s) indicating that there are, or are not, historic properties or cultural resources affected. Starting consultation early in project planning can save proponents time and money.

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

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

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

12. Federal Threatened and Endangered Species

a. No activity is authorized by these GPs which:

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

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

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

(4) Violates the ESA.

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

c. For proposed activities in waters with tidal influence, prospective permittees shall also refer to the National Oceanic and Atmospheric Administration (NOAA) Fisheries’ Section 7 Mapper for federally-listed species found at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html>.

Several tidal freshwater waterways in Connecticut have been identified as foraging and overwintering areas, or designated as critical habitat, for the endangered Atlantic sturgeon and shortnose sturgeon. The extent of these waterways is highlighted below. The list of waters below does not include higher salinity coastal tidal creeks and brackish waterways which also possess habitat for these species, so it is strongly recommended that applicants refer to the NOAA Section 7 mapper (link above) for all work in waterways that may have tidal influence:

- Mainstem Housatonic River from Long Island Sound (LIS) to the upstream limit of the Derby Dam in Shelton, CT (Atlantic sturgeon critical habitat; migrating and foraging habitat for Atlantic sturgeon and shortnose sturgeon).
 - Naugatuck River confluence with the Housatonic River up to the Naugatuck River Reservoir dam in Ansonia, CT.
- Quinnipiac River from LIS to the bridge/intersection of Quinnipiac Street and River Road, Wallingford, CT (migrating and foraging habitat for Atlantic sturgeon and shortnose sturgeon).
- Mainstem Connecticut River from LIS to the Massachusetts Border (Atlantic sturgeon critical habitat; spawning, migrating, and foraging for Atlantic sturgeon; overwintering, migrating, and foraging for shortnose sturgeon).
 - Salmon River confluence at Connecticut River to the dam at Powerhouse Road, Leesville, CT
 - Farmington River confluence with the Connecticut River to Tunxis Road, Tariffville, CT
 - Pattaconk Brook confluence with the Connecticut River to North Quarter Park, Chester, CT
 - Confluence of Hamburg Cove with the Connecticut River to Eightmile River at Joshuatown Road/Old Hamburg Road, Hamburg, CT.
 - Lord Creek confluence with the Connecticut River to Coult's Hole and Mack Creek to Lord Hill Lane, Lyme, CT.
 - North Cove confluence with Connecticut River and Falls River confluence in North Cove to River Road, Essex, CT.
 - Mattabassett River confluence at the Connecticut River to Rt. 3, northeast of Newfield Street in Middletown, CT.
 - Coginchaug River confluence with the Mattabassett River to Johnson Street north of the Providence & Worcester Railroad.
 - Selden Creek, Lyme, CT.
- Mainstem of the Thames River to Norwich, Connecticut (migrating and foraging habitat for Atlantic sturgeon and shortnose sturgeon).
 - Shetucket River confluence with Thames River up to Greenville Dam, Greenville, CT
 - Yantic River confluence with the Thames River to Yantic Falls, Norwich, CT.
 - Horton Cove confluence with the Thames River to Stony Brook and Mohegan Brook, Montville, CT.
 - Poquetanuck Cove confluence with the Thames River to Poquetanuck Brook at Shingle Road, Poquetanuck, CT.

d. A PCN is required if a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as “listed species or habitat”), as identified under the ESA, may be affected by the proposed work, unless consultation is completed by another lead Federal agency, in which case, an application can be SV. An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septentrionalis*), and only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation.

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

f. Non-federal representatives designated by USACE to conduct informal consultation or prepare a biological assessment shall follow the requirements in the designation document(s) and the ESA. Non-federal representatives shall also provide USACE with the appropriate documentation to demonstrate compliance with those requirements. The USACE will review the documentation and determine whether it is sufficient to address ESA compliance for the GP activity, or whether additional ESA consultation is necessary.

g. The requirements to comply with Section 7 of the ESA may be satisfied by a programmatic agreement (PA) or programmatic consultation (PC) with USACE, the New England District, or another federal agency. New England District PAs and PCs are found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Connecticut-General-Permit>.

13. Pile Installation and Removal and Related Time of Year Restrictions

- a. Derelict, degraded, or abandoned piles and sheet piles in the project area shall be removed in their entirety as practicable and properly disposed of in an upland location and not in wetlands or other waters of the U.S. In areas of fine-grained substrates, piles/sheets shall be removed by direct, vibratory, or clamshell pull method to minimize potential turbidity and sedimentation impacts. If removal is not practicable, said piles/sheets shall be cut off or driven to a depth of, at least, one foot below substrate.
- b. Work involving pile installation and/or removal should occur “In-the-dry” or adhere to the applicable waterbody’s time-of-year restrictions in Appendix H.

14. Navigation

- a. No activity may cause more than a minimal adverse effect on navigation.
- b. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.
- c. Any structure or work that extends closer to the horizontal limits of any USACE FNP than a distance of three times the project’s authorized depth shall be subject to removal at the owner’s expense prior to any future USACE dredging or the performance of periodic hydrographic surveys. This is applicable to SV and PCN.
- d. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.
- e. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or 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 USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
- f. A PCN is required for all work in, over or under an FNP or its buffer zone unless otherwise indicated in Appendix A. as the work may also require a Section 408 permit.

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

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 construction mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written USACE authorization. Similarly, the permittee may request written authorization from USACE to waive use of mats during frozen or dry conditions. An adequate supply of spill containment equipment shall be maintained on site. Construction mats should be managed in accordance with the following construction mat BMPs:

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

- Where feasible, mats should be carried and not dragged unless they are being used as a grading implement.
- Where feasible, place mats in a location that would minimize the amount needed for the wetlands crossing.
- Minimize impacts to wetland areas during installation, use, and removal.
- Install adequate erosion & sediment controls at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, swamp mats.
- In most cases, construction mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.
- Provide standard construction mat BMP details to work crews.
- Construction mats shall be thoroughly cleaned before re-use to minimize spread of invasive species.

17. Temporary Fill

- Temporary fill, including but not limited to construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
- All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected flows.
- Unconfined temporary fill authorized for discharge into waters of the U.S. shall consist of material that minimizes impacts to water quality (e.g., washed stone, stone, etc.).
- Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
- Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

18. Restoration of Inland Wetland Areas

- 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 D in the “New England District Compensatory Mitigation Guidance” found at <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CompensatoryMitigationGuidance.pdf>.
- 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.
- In areas of authorized temporary disturbance, if trees are cut, they shall be cut at or above ground level and not uprooted to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- 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 USACE jurisdiction should be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable. For example, vertical bulkheads should only be used in situations where reflected wave energy can be tolerated. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact 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. For more information, go to the USACE Coastal Engineering Manual (supersedes the Shore Protection Manual) located at <https://www.nae.usace.army.mil/Missions/Regulatory/Useful-Documents-Forms-and-Publications/>. Select “Products/ Services,” “Publications.” Part 5, Chapter 7-8, a (2) c.

20. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below OHW or HTL, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow, or during low tides.

21. Aquatic Life Movements & Management of Water Flows

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

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

(2) Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. Permanent and temporary crossings of wetlands shall be suitably culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity between the wetlands on either side of the road.

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

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

d. Refer to Appendix G for Stream Crossing BMPs.

22. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. 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 six months of the effective date of such revision or modification, or within a longer period 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, Breeding, and Migratory Areas

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

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

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 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 environmental functions 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. Vernal Pools.

a. A PCN is required if a discharge of dredged or fill material is proposed within a vernal pool depression located within waters of the U.S.

b. GC 26(a) above does not apply to projects that are within a municipality that meets the provisions of a USACE-approved vernal pool Special Area Management Plan (SAMP) and are otherwise eligible for SV, and the applicant meets the requirements to utilize the vernal pool SAMP.

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

28. Permit/Authorization Letter On-Site. For PCN projects, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of all contracts and sub-contracts for work that affects areas of USACE jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term “entire permit authorization” means these GPs, including GCs and the authorization letter (including its drawings, plans, appendices, and other attachments) and includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction.

29. Inspections. The permittee shall allow USACE to make periodic inspections at any time deemed necessary to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. To facilitate these inspections, the permittee shall complete and return to USACE the Work-Start Notification Form and the Compliance Certification Form when either is provided with a verification letter. The USACE may also require post-construction engineering drawings for completed work or post-dredging survey

drawings for any dredging work.

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

31. Property Rights. Per 33 CFR 320.4(g)(6), these GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

32. Transfer of GP Verifications. If the permittee sells the property associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to this office to validate the transfer. A copy of the GP verification must be attached to the letter, and the letter must contain the following statement and signature:

When the structures or work authorized by this general permit are still in existence at the time the property is transferred, 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. To validate the transfer of this general permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ (Transferee)
_____ (Date)

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

34. Special Conditions. The USACE may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from 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 and/or restoration.

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

36. Abandonment. If the permittee decides to abandon the activity authorized under this 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 USACE.

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

38. Previously Authorized Activities

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

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

39. Duration of Authorization

a. These GPs expire five years from the date issued as listed at the top of the cover sheet. Activities authorized by these GPs that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have an additional year from the expiration date to complete the work. The permittee must be able to document to USACE satisfaction that the project had commenced or was under contract by the expiration date of these GPs. If work is not completed within the one-year extended timeframe, the permittee must contact USACE. The USACE may issue a new authorization provided the project meets the terms and conditions of the CT GPs in effect at the time.

b. Activities authorized under these GPs will remain authorized until the GP expires, unless discretionary authority has been exercised on a case-by-case basis to require an Individual Permit in accordance with 33 CFR 325.2(e)(2), or the authorization is modified, suspended, or revoked in accordance with 33 CFR 325.7. Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after its expiration date.