Town of Old Orchard Beach Maine

Town of Old Orchard Beach, Maine

NOTICE OF REQUEST FOR PROPOSALS

SANDPIPER DRAINAGE PROJECT

JANUARY 5, 2026

Diana Asanza, Town Manager
Town of Old Orchard Beach
1 Portland Ave.
Old Orchard Beach ME 04064

Town of Old Orchard Beach

Request for Proposal – Sandpiper Paving Project - continued

Introduction:

The Town of Old Orchard Beach is seeking proposals from qualified contractors for a drainage project located at the corner of Sandpiper Road and Seaside Avenue. The Town has obtained all permits and easements needed for the project.

Details of the project are on the enclosed plans prepared by Wright-Pierce dated January 2026. A 15-inch storm drain is proposed starting from a new catch basin on Sandpiper Road, that will run underneath Seaside Avenue through a new drain manhole, then transition to a larger 24-inch storm drain, that will outlet to New Salt Road Marsh and Goosefare Brook.

The permits from Maine DEP and the Army Corp of Engineers are attached to the RFP. The selected contractor must abide by the applicable provisions of said permits during construction.

Project to reach completion by March 31st, 2026 PERMIT REQUIREMENT

Proposal Requirements:

Interested contractors must submit the following information:

1. **Company Profile:**
   - Name of the company
   - Contact information
   - Relevant experience and qualifications.
2. **Proposed Timeline:**
   - Estimated start and completion dates for the project
3. **Pricing Structure:**
   - Detailed pricing
4. **References:**
   - Contact information for at least three previous clients.
5. **Licenses and Insurance:**
   - Proof of relevant licenses and insurance coverage.

Town of Old Orchard Beach

Request for Proposal – Sandpiper Paving Project - continued

Submission Instructions:

Please submit your proposal by January 23, 2026 by 2:00pm:

The proposal shall be submitted in a sealed envelope plainly marked “Sandpiper Drainage Project - RFP” and will be received at the

Town Manager’s Office
Old Orchard Beach Town Hall
1 Portland Ave
Old Orchard Beach, Maine 04064.

Submissions will be accepted by mail or hand delivery. The proposal must be signed with the firm’s name and bear the handwritten signature of an officer or employee having authority to bind the company

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For any questions regarding this RFP, please contact Tim Fleury at 207-937-5626 or tfleury@oobmaine.com.

BID FORM

Company Profile:

Company Name: _____

Contact information:

_____

Relevant experience and qualifications: (Attach on separate sheet)

Proposed Timeline:

Estimated start and completion dates for the project: (project must be completed by March 31st, 2026)

_____

Pricing Structure:

Detailed pricing for each component.

(Attach on separate sheet)

References:

Contact information for at least three previous clients. (Attach on separate sheet)

Licenses and Insurance:

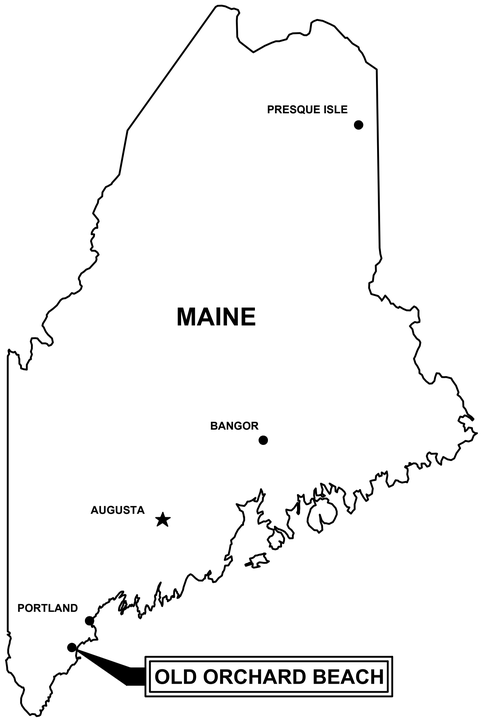
Proof of relevant licenses and insurance coverage (Attach on separate sheet)

TOWN OF OLD ORCHARD BEACH, MAINE

CONTRACT DRAWINGS FOR

SANDPIPER ROAD
DRAINAGE IMPROVEMENTS

JANUARY 2026



DRAWING INDEX

LOCATION PLAN

STATE OF MAINE
1/5/2026
JAIME C. WALLACE
NO. 15414
LICENSED PROFESSIONAL ENGINEER

WP PROJECT # 22021

GENERAL NOTES

1. THE OWNER WILL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BE FAMILIAR WITH THE APPLICABLE PROVISIONS OF EACH PERMIT AS THEY APPLY TO THE WORK PRIOR TO BIDDING AND ABIDE BY THOSE PROVISIONS DURING CONSTRUCTION. COPIES OF ALL OBTAINED PERMITS ARE AVAILABLE FOR REVIEW FROM THE OWNER.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RIGHTS OF WAY AND EASEMENTS. THE CONTRACTOR SHALL VERIFY THAT THE NECESSARY EASEMENTS HAVE BEEN SECURED BY THE OWNER. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BE FAMILIAR WITH THE APPLICABLE PROVISIONS OF EACH EASEMENT AS THEY APPLY TO THE WORK PRIOR TO BIDDING AND ABIDE BY THOSE PROVISIONS DURING CONSTRUCTION . COPIES OF ALL RIGHTSOFWAY AND EASEMENTS ARE AVAILABLE FOR REVIEW FROM THE OWNER.

3. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW AT ALL TIMES. CONTRACTOR SHALL INSTALL AND MAINTAIN TRAFFIC CONTROL SIGNS IN ACCORDANCE WITH THE MUTCD AND ALL STATE AND LOCAL REGULATIONS. THE CONTRACTOR IS REQUIRED TO SUBMIT A TRAFFIC CONTROL PLAN TO THE OWNER PRIOR TO COMMENCING CONSTRUCTION. THE POLICE DEPARTMENT, FIRE DEPARTMENT AND SCHOOL DEPARTMENT ARE TO BE NOTIFIED AT LEAST 24-HOURS IN ADVANCE OF ANY STREET CLOSING OR DETOUR.

4. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

5. CONTRACTOR SHALL NOTE THAT, IN GENERAL, ALL EXISTING CONDITION INFORMATION ON THE DRAWINGS ARE SHOWN WITH A LIGHTER LINE WEIGHT AND WITH A SLANTED TYPE TEXT.

6. ALL EXISTING SEWER AND STORM DRAIN LINES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE. ANY EXISTING SEWERS, STORM DRAIN LINES OR CULVERTS DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER, EXCEPT WHEN IN DIRECT CONFLICT WITH THE NEW SEWER OR WHEN NOT SHOWN OR INDICATED.

7. ALL STRUCTURES AND PIPELINES LOCATED ADJACENT TO TRENCH EXCAVATION SHALL BE PROTECTED AND FIRMLY SUPPORTED BY THE CONTRACTOR UNTIL THE TRENCH IS BACKFILLED. INJURY TO ANY SUCH STRUCTURES CAUSED BY OR RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE . ALL UTILITIES REQUIRING REPAIR, RELOCATION OR ADJUSTMENT AS A RESULT OF THE PROJECT SHALL BE COORDINATED THROUGH THE RESPECTIVE UTILITY.

8. IN THOSE INSTANCES WHERE POWER OR TELEPHONE POLE SUPPORT IS REQUIRED, THE CONTRACTOR SHALL PROVIDE A MINIMUM 48-HOUR NOTICE TO THE RESPECTIVE UTILITY POLE OWNER. NO ADDITIONAL PAYMENT WILL BE PROVIDED FOR TEMPORARY BRACING OF UTILITIES.

9. ALL TEST PITS SHALL BE EXCAVATED PRIOR TO CONSTRUCTION LAYOUT AND RESULTS REPORTED TO THE ENGINEER FOR REVIEW FOR CONFORMANCE WITH THE PLANS. TESTS PITS ARE REQUIRED WHERE SHOWN ON THE DRAWINGS AND AS DIRECTED BY THE ENGINEER. THE RESULTS OF TEST PITS DUG TO DETERMINE EXISTING UTILITY ELEVATIONS AND LOCATIONS WILL BE REPORTED TO THE ENGINEER AT LEAST 10 CALENDAR DAYS PRIOR TO ANY WORK. ADJUSTMENTS TO INVERTS, LENGTHS, AND SLOPES OF PROPOSED STORM DRAIN MAY BE REQUIRED AS DIRECTED BY THE ENGINEER. THE HORIZONTAL ALIGNMENT OF THE NEW STORM DRAIN MAY BE ADJUSTED IN THE FIELD SUBJECT TO PRIOR APPROVAL OF THE ENGINEER. RELOCATIONS OF EXISTING WATER MAIN MAY BE REQUIRED AS DIRECTED BY THE ENGINEERG AND COORDINATED WITH MAINE WATER COMPANY.

10. INITIAL PAVING SHALL BE CONDUCTED WITHIN TWO WEEKS OF COMPLETION OF PLACEMENT OF FINAL BACKFILL UNLESS OTHERWISE AUTHORIZED BY ENGINEER. INITIAL PAVEMENT SHALL BE INSTALLED AND MAINTAINED BY CONTRACTOR FOR A MINIMUM PERIOD OF TWO MONTHS BEFORE FINAL PAVEMENT IS PLACED. FINAL PAVEMENT MAY BE PLACED OVER THE INITIAL PAVING PROVIDED INITIAL PAVING COURSE IS IN GOOD REPAIR. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND SHIMMING THE INITIAL PAVEMENT AS NECESSARY TO ACCEPT THE FINAL PAVING COURSE. IF CONDITIONS WARRANT, THE CONTRACTOR MAY BE REQUIRED TO REMOVE AND REPLACE INITIAL PAVING PRIOR TO FINAL PAVING.

11. CONTRACTOR SHALL BE PROHIBITED TO WORK ON SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS. ALL WORK ON WEEKDAYS SHALL BE PERFORMED BETWEEN THE HOURS OF 7 A.M. AND 5 P.M. THE CONTRACTOR SHALL REQUEST PERMISSION TO WORK OUTSIDE THE WORK HOURS SPECIFIED ABOVE AT LEAST 72-HOURS IN ADVANCE OF THE PROPOSED WORK. THE CONTRACTOR SHALL NOT COMMENCE WORK OUTSIDE OF THE WORK HOURS SPECIFIED ABOVE UNLESS OR UNTIL GRANTED SUCH PERMISSION FROM THE OWNER AND ENGINEER.
12. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR SECURITY OF ALL OF THEIR, AND THEIR SUBCONTRACTORS, MATERIALS AND EQUIPMENT STORED ON THE SITE.

13. IF DIRECTED BY THE OWNER, CONTRACTOR SHALL MOVE ANY STORED ITEMS WHICH INTERFERE WITH OPERATIONS OF OWNER.

14. THE CONTRACTOR IS RESPONSIBLE FOR DESIGNING, INSTALLING, MAINTAINING, AND REMOVING TEMPORARY IN-STREAM CONTROLS TO PERFORM WORK IN THE DRY.

EXISTING SITE CONDITIONS

1. THE LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES, AS SHOWN ON THE DRAWINGS, ARE APPROXIMATE AND MAY NOT BE COMPLETE. NO GUARANTEE IS MADE THAT UTILITIES OR STRUCTURES WILL BE ENCOUNTERED WHERE SHOWN, OR THAT ALL UNDERGROUND UTILITIES AND STRUCTURES ARE SHOWN. ALL LOCATIONS AND SIZES OF EXISTING UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD WITH TEST PITS AS REQUIRED PRIOR TO BEGINNING CONSTRUCTION OF NEW FACILITIES OR PIPING THAT MAY BE AFFECTED. THE CONTRACTOR WILL REALIGN NEW PIPE LOCATIONS AS REQUIRED TO CONFORM TO EXISTING LINES AND AS APPROVED BY THE ENGINEER.

2. BELOW GRADE UTILITY INFORMATION IS BASED ON INFORMATION PROVIDED BY EACH UTILITY. LOCATION OF PUBLIC UTILITIES SHOWN IS ONLY APPROXIMATE AND MAY NOT BE COMPLETE. PRIVATE UNDERGROUND UTILITIES SUCH AS, BUT NOT LIMITED TO, SEWER LINES, WATER LINES AND BURIED ELECTRICAL SERVICE ENTRANCES ARE NOT SHOWN. THE CONTRACTOR SHALL ASCERTAIN THE LOCATION AND SIZE OF EXISTING UTILITIES IN THE FIELD WITH THE RESPECTIVE UTILITY COMPANY REPRESENTATIVE PRIOR TO COMMENCING WORK. ADDITIONAL TEST PITS, BEYOND THOSE SHOWN, MAY BE REQUIRED. UTILITY CONTACTS ARE AS FOLLOWS

<u>ELECTRIC</u>
CENTRAL MAINE POWER
KEVIN HALL
57 OLD WINTHROP ROAD
AUGUSTA, ME 04330
TEL. (443) 867-0362

<u>WATER</u>
MAINE WATER COMPANY
MARCUS KNIPP
93 INDUSTRIAL PARK ROAD
SACO, ME 04072
TEL. (800) 287-1643
MARCUS.KNIPP@MAINEWATER.COM

<u>TELEPHONE</u>
CONSOLIDATED COMMUNICATIONS (FAIRPOINT)
KEITH LAWRENCE
5 DAVIS FARM ROAD
PORTLAND, ME 04013
TEL. (207) 210-2347
KEITH.LAWRENCE@CONSOLIDATED.COM

<u>SEWER AND STORM DRAIN</u>
TOWN OF OLD ORCHARD BEACH
DEPARTMENT OF PUBLIC WORKS
DAVID PINKHAM
103 SMITHWHEEL ROAD
OLD ORCHARD BEACH, ME 04068
TEL. (207) 710-6987
DPINKHAM@OOBMAINE.COM

<u>CABLE</u>
CHARTER (SPECTRUM/TIME WARNER)
DAN MINCHEV
118 JOHNSON ROAD
PORTLAND, ME 04102
TEL. (207) 831-8989
DAN.MINCHEV@CHARTER.COM

DIG-SAFE
TEL. (888)-344-7233

3. THERE ARE NO KNOWN HAZARDOUS ENVIRONMENTAL CONDITIONS WITHIN THE AREA OF WORK. IF THE PRESENCE OF HAZARDOUS ENVIRONMENTAL CONDITIONS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER IMMEDIATELY. ALL ACTIVITIES, HANDLING AND DISPOSAL OF HAZARDOUS ENVIRONMENTAL CONDITIONS AND MATERIALS SHALL BE IN ACCORDANCE WITH OSHA, FEDERAL, STATE, AND LOCAL REGULATIONS.

SITE DEMOLITION

1. REFER TO THE PLAN, FOR ADDITIONAL INFORMATION REGARDING EXISTING FACILITIES AND LIMITS OF WORK.

2. DEMOLISH/REMOVE EXISTING PIPING AS REQUIRED FOR CONSTRUCTION OF NEW FACILITIES. ALL PIPING, EQUIPMENT AND MATERIALS TO BE DEMOLISHED AND/OR REMOVED FROM SERVICE SHALL BE COORDINATED WITH THE OWNER AND ENGINEER BEFORE COMMENCING THAT WORK. EXISTING PIPING THAT NEEDS TO BE REMOVED TO CONSTRUCT THE NEW FACILITIES, BUT IS TO REMAIN, SHALL BE REINSTALLED/REPLACED AS NEEDED. EXISTING PIPES AND CONDUIT DESIGNATED AS "ABANDONED" MAY BE REMOVED IF THE CONTRACTOR SO CHOOSES. IF ABANDONED PIPE CONFLICTS WITH NEW SITE PIPING OR FACILITIES, THEN A PORTION OF THE ABANDONED PIPE SHALL BE REMOVED, AND THE NEW ENDS OF ABANDONED PIPE CAPPED OR PLUGGED WITH CONCRETE.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND DISPOSING OF ALL DEMOLISHED PIPING, EQUIPMENT AND MATERIALS. DISPOSAL SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. THE OWNER RESERVES THE RIGHT TO RETAIN ANY SUCH PIPING, EQUIPMENT AND MATERIALS DESIGNATED FOR DEMOLITION. SUCH MATERIALS TO BE RETAINED SHALL BE PROPERLY STORED IN AN ON-SITE LOCATION. COORDINATE LOCATION AND MATERIALS TO BE SALVAGED WITH THE OWNER/ENGINEER.

4. THE CONTRACTOR SHALL KEEP A RECORD OF DEMOLITION AS PART OF THE PROJECT RECORD DOCUMENTS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE APPROPRIATE DISPOSAL OF FLOWS RESULTING FROM PRECIPITATION AND GROUNDWATER DEWATERING OPERATIONS.

SITE CLEARING, GRUBBING AND GRADING

1. CONTRACTOR SHALL MINIMIZE CLEARING OPERATIONS. CLEARING LIMITS SHALL BE AS INDICATED ON THE DRAWINGS, BUT AT ALL TIMES WITHIN EXISTING ROAD RIGHTSOFWAY AND PROPERTY LINES ON STATE OR COUNTYOWNED PROPERTY OR EASEMENTS. ALL CLEARING AND GRUBBING MATERIAL SHALL BE THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF AT A SITE PROVIDED BY THE CONTRACTOR IN COMPLIANCE WITH ALL STATE AND LOCAL LAWS.

2. THE CONTRACTOR SHALL FOLLOW ALL ENDANGERED SPECIES ACT 4(D) RULES REGARDING THE NORTHERN LONG EARED BAT AND TRI-COLORED BAT. CONTRACTOR SHALL PLAN ACCORDINGLY.

3. CONTRACTOR SHALL PROVIDE PROPER EROSION CONTROL AND DRAINAGE MEASURES IN ALL AREAS OF WORK, AND CONFINE SOIL SEDIMENT TO WITHIN THE LIMITS OF EXCAVATION AND GRADING. PRIOR TO BEGINNING EXCAVATION WORK, EROSION CONTROL FENCE SHALL BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE ACTUAL LIMITS OF GRUBBING AND/OR GRADING, AND AS SHOWN ON THE DRAWINGS. EROSION CONTROL MEASURES SHOWN ON THE DRAWINGS ARE A MINIMUM, CONTRACTOR SHALL TAKE ALL OTHER NECESSARY MEASURES. EROSION CONTROL FENCE SHALL ALSO BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE TOPSOIL STOCKPILES. ALL DISTURBED EARTH SURFACES SHALL BE STABILIZED IN THE SHORTEST PRACTICAL TIME AND TEMPORARY EROSION CONTROL DEVICES SHALL BE EMPLOYED UNTIL SUCH TIME AS ADEQUATE SOIL STABILIZATION HAS BEEN ACHIEVED. TEMPORARY STORAGE OF EXCAVATED MATERIAL SHALL BE STABILIZED IN A MANNER THAT WILL MINIMIZE EROSION. ALL INSTALLED EROSION CONTROL FACILITIES SHALL BE REMOVED AT THE END OF THE PROJECT.

4. ALL STORM DRAINAGE INLETS SHALL BE PROTECTED BY HAY BALE FILTERS TO PREVENT ENTRY OF SEDIMENT FROM RUNOFF WATERS DURING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL COLLECTED SEDIMENT, AND THAT WHICH COLLECTS IN THE STORM DRAIN SYSTEM. REFER TO THE CIVIL DETAIL DRAWINGS.

5. CONTRACTOR SHALL CONTROL DUST ON THE CONSTRUCTION SITE TO A REASONABLE LIMIT, AS DETERMINED BY THE ENGINEER.

6. CONTRACTOR SHALL NOT TRACK OR SPILL EARTH, DEBRIS OR OTHER CONSTRUCTION MATERIAL ON PUBLIC OR PRIVATE STREETS AND PLANT DRIVES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE ASSOCIATED CLEAN UP.

7. ALL CATCH BASINS, MANHOLES, VALVE PITS, VALVE BOXES AND OTHER BURIED FACILITIES WITH SURFACE ACCESS SHALL BE ADJUSTED TO MATCH FINAL GRADES, UNLESS OTHERWISE INDICATED.

8. THE CONTRACTOR SHALL NOT HAVE ANY RIGHT OF PROPERTY IN ANY MATERIALS TAKEN FROM ANY EXCAVATION. SUITABLE EXCAVATED MATERIAL MAY BE INCORPORATED IN THE PROJECT, WITH EXCESS MATERIAL DISPOSED OF AT A LOCATION PROVIDED BY THE CONTRACTOR. THESE PROVISIONS SHALL IN NO WAY RELIEVE THE CONTRACTOR OF OBLIGATIONS TO PROPERLY DISPOSE OF AND REPLACE ANY MATERIAL DETERMINED BY THE ENGINEER TO BE UNSUITABLE FOR BACKFILLING. THE CONTRACTOR SHALL DISPOSE OF UNSUITABLE AND EXCESS MATERIAL IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE CONTRACT DOCUMENTS.

9. CONTRACTOR SHALL REMOVE AND REPLACE, OR REPAIR, ALL CURBS, SIDEWALKS, PAVEMENT AND OTHER ITEMS DAMAGED BY CONSTRUCTION ACTIVITIES TO AT LEAST THEIR ORIGINAL CONDITION, TO THE SATISFACTION OF THE OWNER AND ENGINEER.

10. ALL NON-ROADWAY AREAS THAT ARE EXCAVATED, FILLED, OR OTHERWISE DISTURBED BY THE CONTRACTOR SHALL BE LOAMED, GRADED, LIMED, FERTILIZED, SEEDED AND MULCHED, UNLESS OTHERWISE NOTED. THE TOP 4-INCHES OF SOIL SHALL BE LOAM. SEED SHALL CONFORM TO MAINE DOT STANDAARD SPECIFICATION 717.03 METHOD #2 - ROADSIDE MIXTURE.

CIVIL SITE LAYOUT

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THIS PROVIDED LAYOUT INFORMATION THROUGHOUT THE COURSE OF CONSTRUCTION. REPORT ANY LAYOUT DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

2. REFER TO THE PLAN AND PROFILE DRAWING FOR ADDITIONAL LAYOUT INFORMATION.

3. THE LOCATIONS AND LIMITS OF ALL ON-SITE WORK AND STORAGE AREAS SHALL BE REVIEWED/COORDINATED WITH, AND ACCEPTABLE TO, THE OWNER AND ENGINEER. THE CONTRACTOR SHALL LIMIT ACTIVITIES TO THESE AREAS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-ESTABLISHING AND RESETTING ALL EXISTING PROPERTY MONUMENTATION DISTURBED BY CONSTRUCTION. THIS WORK SHALL BE DONE BY A LAND SURVEYOR REGISTERED IN THE STATE OF MAINE, AT NO ADDITIONAL COST TO THE OWNER.

5. WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DISTANCES FROM THE DRAWINGS. REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

6. PLAN REFERENCE PREPARED BY: DOW & COULOMBE, INC. TITLED: PLAN SHOWING A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY MADE FOR THE TOWN OF OLD ORCHARD BEACH C/O DIANA ASANZA, TOWN MANAGER (MAILING ADDRESS: 1 PORTLAND AVE. OLD ORCHARD BEACH, ME 04064) PARCEL LOCATED BETWEEN 80 AND 84 SEASIDE AVENUE OLD ORCHARD BEACH, MAINE. DATED: FEBRUARY 24, 2025, SCALE: 1" = 10', DRAWN BY: JMS, CHK'D BY: PDD, APPV'D BY: MJC, SHEET 1 OF 1.

7. EXISTING TOPOGRAPHICAL INFORMATION SHOWN IS BASED ON AN AERIAL SURVEY PERFORMED ON APRIL 24, 2024 BY WRIGHT-PIERCE UTILIZING A DJI M350, LIDAR L2 & P1 CAMERA. DATA WAS POST PROCESSED UTILIZING GPS RTK SMART NETWORK SOLUTIONS ON GCP'S & DJI TERRA. THE PROJECT IS ORIENTED TO GRID NORTH, NORTH AMERICAN DATUM OF 1983 (NAD83) 2011, MAINE SATE PLANE COORDINATE SYSTEM, WEST ZONE US-FOOT. VERTICAL DATUM IS REFERENCED TO NAVD88.

8. ADDITIONAL GPS TOPO WAS PERFORMED BY WRIGHT-PIERCE ON MARCH 29, 2025 IN THE ROADWAY AND CHANNEL USING THE ABOVE SAID GPS RTK NETWORK.

9. WETLAND BOUNDARIES DELINEATED AND SURVEYED BY FLYCATCHER, LLC IN DECEMBER 2024.

SEWER AND DRAIN PIPING NOTES

1. ALL STORM DRAIN INSTALLED SHALL BE CORRUGATED POLYETHYLENE PIPE. THE PIPE AND FITTINGS SHALL HAVE A SMOOTH INTERIOR AND CORRUGATED EXTERIOR AND CONFORM TO THE REQUIREMENTS OF AASHTO M252 AND AASHTO M294 OR ASTM F2648. THE PIPE JOINT SYSTEM SHALL BE WATERTIGHT (WT) AND SHALL MEET OR EXCEED THE CURRENT ASTM D3212 LAB TEST REQUIREMENTS AND THE CURRENT ASTM F1417 WATERTIGHT FIELD TEST REQUIREMENTS.

2. TRENCH INSULATION SHALL BE USED WHERE DEPTH OF COVER IS LESS THAN 5-FEET. REFER TO THE CIVIL DETAIL DRAWINGS FOR THE TRENCH INSULATION DETAIL.

3. TRENCH INSULATION SHALL BE USED WHEN THERE IS LESS THAN 2-FEET BETWEEN THE SEWER OR FORCE MAIN AND A CULVERT. REFER TO THE CIVIL DETAIL DRAWINGS FOR THE TRENCH INSULATION DETAIL.

4. MANHOLES ARE 4-FEET IN DIAMETER UNLESS OTHERWISE NOTED. THE TOP OF MANHOLE FRAMES SHALL BE SET FLUSH WITH FINISH GRADE, UNLESS OTHERWISE NOTED ON DRAWINGS. SEWER MANHOLE INVERTS SHOWN ON THE DRAWINGS ARE TO THE INSIDE FACE OF THE MANHOLE.

5. CONTRACTOR SHALL RE-SHAPE INVERTS AS REQUIRED WHEN CONNECTING INTO EXISTING MANHOLES.

6. REFER TO CONTRACT DRAWINGS FOR PIPE AND STRUCTURE BEDDING AND BACKFILL REQUIREMENTS.

7. COMPACTION PLACEMENT AND TESTING SHALL BE IN ACCORDANCE WITH MAINE DOT STANDARD SPECIFICATIONS (MARCH 2020) SECITION 304. ANY SETTLEMENT OCCURRING WITHIN ONE-YEAR OF FINAL COMPLETION OF THE WORK SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST.

8. OPEN TRENCHES IN THE ROADWAY MUST BE BACKFILLED AT THE END OF THE WORKDAY.

9. ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE UNLESS OTHERWISE NOTED ON THE PLAN AND PROFILE. ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

10. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OF ALL DEMOLITION MATERIALS.

WATER MAIN GENERAL NOTES

1. WHERE NEW PIPING IS TO BE CONNECTED TO EXISTING PIPING, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL ADAPTERS, FITTINGS, AND ADDITIONAL PIPE AS REQUIRED TO COMPLETE THE CONNECTION. CONTRACTOR SHALL VERIFY LOCATION, ELEVATION, ORIENTATION AND MATERIAL OF CONSTRUCTION. TEST PITS SHALL BE USED AS REQUIRED.

2. ANY UNDERGROUND STRUCTURES, CABLES, AND PIPELINES LOCATED ADJACENT TO THE TRENCH EXCAVATIONS SHALL BE PROTECTED AND FIRMLY SUPPORTED BY THE CONTRACTOR UNTIL THE TRENCH IS BACKFILLED. DAMAGE TO ANY SUCH STRUCTURES, CABLES, AND PIPELINES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE AND TO THE SATISFACTION OF THE OWNERS OF THE STRUCTURES, CABLES, AND PIPELINES.

3. IF REQUIRED, WATER MAIN RECLOATIONS REQUIRED FOR NEW DRAINAGE INFRASTRUCTURE SHALL BE COORDINCATED WITH MAINE WATER COMPANY.

4. ALL WATER MAINS THAT ARE DISCONNECTED FROM THE WATER SYSTEM AND ARE TO BE LEFT IN PLACE SHALL BE CAPPED WITH A M.J. CAP OR PLUG.

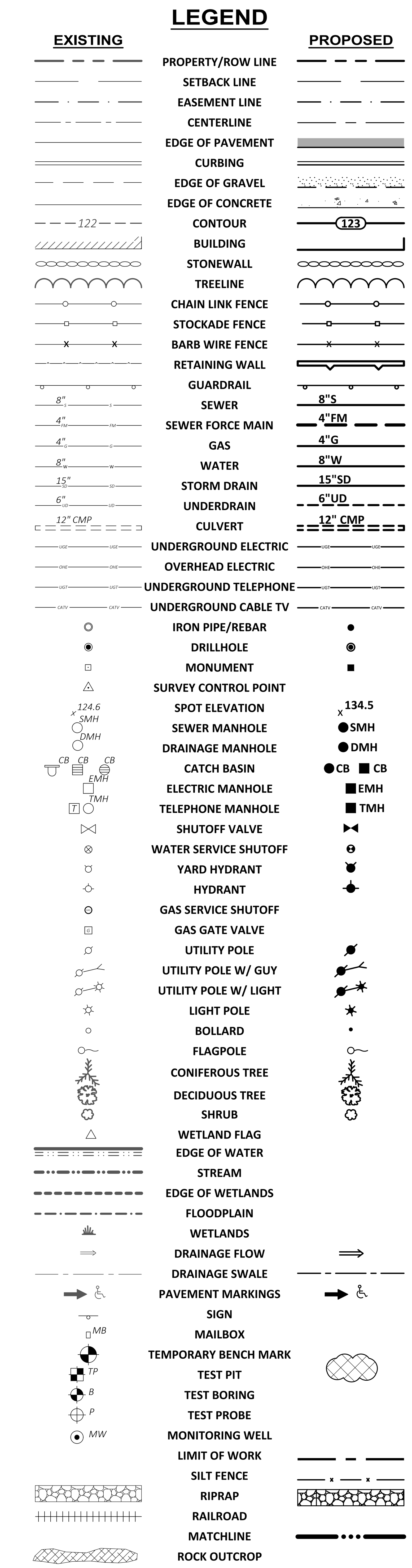
5. ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE UNLESS OTHERWISE NOTED. AT NO ADDITIONAL COST TO THE OWNER THE CONTRACTOR SHALL REPAIR OR COORDINATE WITH THE RESPECTIVE UTILITY ON DAMAGE TO EXISTING UTILITIES.

6. TRENCH INSULATION SHALL BE USED BETWEEN THE STORM DRAIN AND WATER WHEN THE DISTANCE BETWEEN THE TWO PIPES IS LESS THAN 2' (SEE NOTE 3 UNDER SEWER AND DRAIN PIPING NOTES.

CIVIL ABBREVIATIONS

&	AND
Ø, DIA	DIAMETER
#, NO	NUMBER
AC	ASBESTOS CEMENT
APP'D	APPROVED
BR	BRICK
BLDG	BUILDING
CB	CATCH BASIN
CEN	CENTER
CFS	CUBIC FEET PER SECOND
CI	CAST IRON
CIPP	CURED-IN-PLACE-PIPE
CL	CENTERLINE
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
CONC	CONCRETE
COR	CORNER
CY	CUBIC YARD
DEMO	DEMOLITION
DMH	DRAIN MANHOLE
DI	DUCTILE IRON
DR	DRAIN
DWG	DRAWING
EL	ELEVATION
EMH	ELECTRIC MANHOLE
FM	FORCE MAIN
FT	FEET
G	GAS
HDPE	HIGH DENSITY POLYETHYLENE
HYD	HYDRANT
IN	INCH
INF	INFLUENT
INV	INVERT
LB	POUNDS
LF	LINEAR FOOT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MW	MONITORING WELL
N	NORTH
NGVD	NATIONAL GEODETIC VERTICAL DATUM
N/A	NOT AVAILABLE/APPLICABLE
NTS	NOT TO SCALE
OD	OUTSIDE DIAMETER
OUT	OUTFALL
PC	PERFORATED CLAY
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PS	PRIMARY SLUDGE
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
RD	ROOF DRAIN
REQ'D	REQUIRED
S	SLOPE, SEWER
SD	STORM DRAIN
SF	SQUARE FEET
SMH	SANITARY SEWER MANHOLE
SQ	SQUARE
STA	STATION
T, XFMR	TRANSFORMER
TBM	TEMPORARY BENCH MARK
THK	THICKNESS
TOS	TOP OF STRUCTURE
TYP	TYPICAL
UD	UNDERDRAIN
UG	UNDERGROUND
UGE	UNDERGROUND ELECTRIC
VC	VITRIFIED CLAY
VF	VERTICAL FOOT
W/	WITH
W	POTABLE WATER

LEGEND



THESE PLANS REFERENCE A PLAN PREPARED BY: DOW & COULOMBE, INC. LAND SURVEYORS & LAND PLANNERS SINCE 1864 13 PARK STREET, SACO, MAINE TITLED: PLAN SHOWING A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY MADE FOR THE TOWN OF OLD ORCHARD BEACH C/O DIANA ASANZA, TOWN MANAGER (MAILING ADDRESS: 1 PORTLAND AVE. OLD ORCHARD BEACH, ME 04064) PARCEL LOCATED BETWEEN 80 AND 84 SEASIDE AVENUE OLD ORCHARD BEACH, MAINE. DATED: FEBRUARY 24, 2025, SCALE: 1" = 10', DRAWN BY: JMS, CHK'D BY: PDD, APPV'D BY: MJC, SHEET 1 OF 1.

NO	REVISIONS	APP'D	DATE

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 01-2026
APPROVED: J. WALLACE
DATE: 01-2026
SUBMISSION: CONTRACT DRAWINGS

STATE OF MAINE
JAIME C. WALLACE
1/5/2026
LICENSED PROFESSIONAL ENGINEER

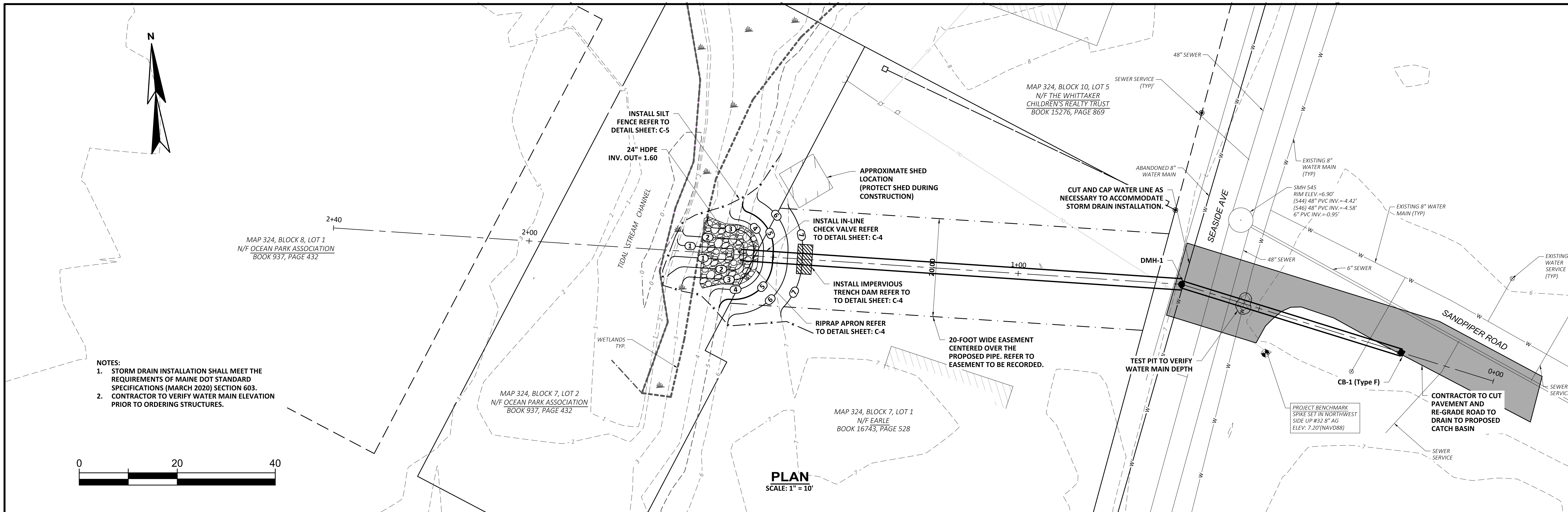
WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

GENERAL NOTES, ABBREVIATIONS AND LEGEND

DRAWING
C-1

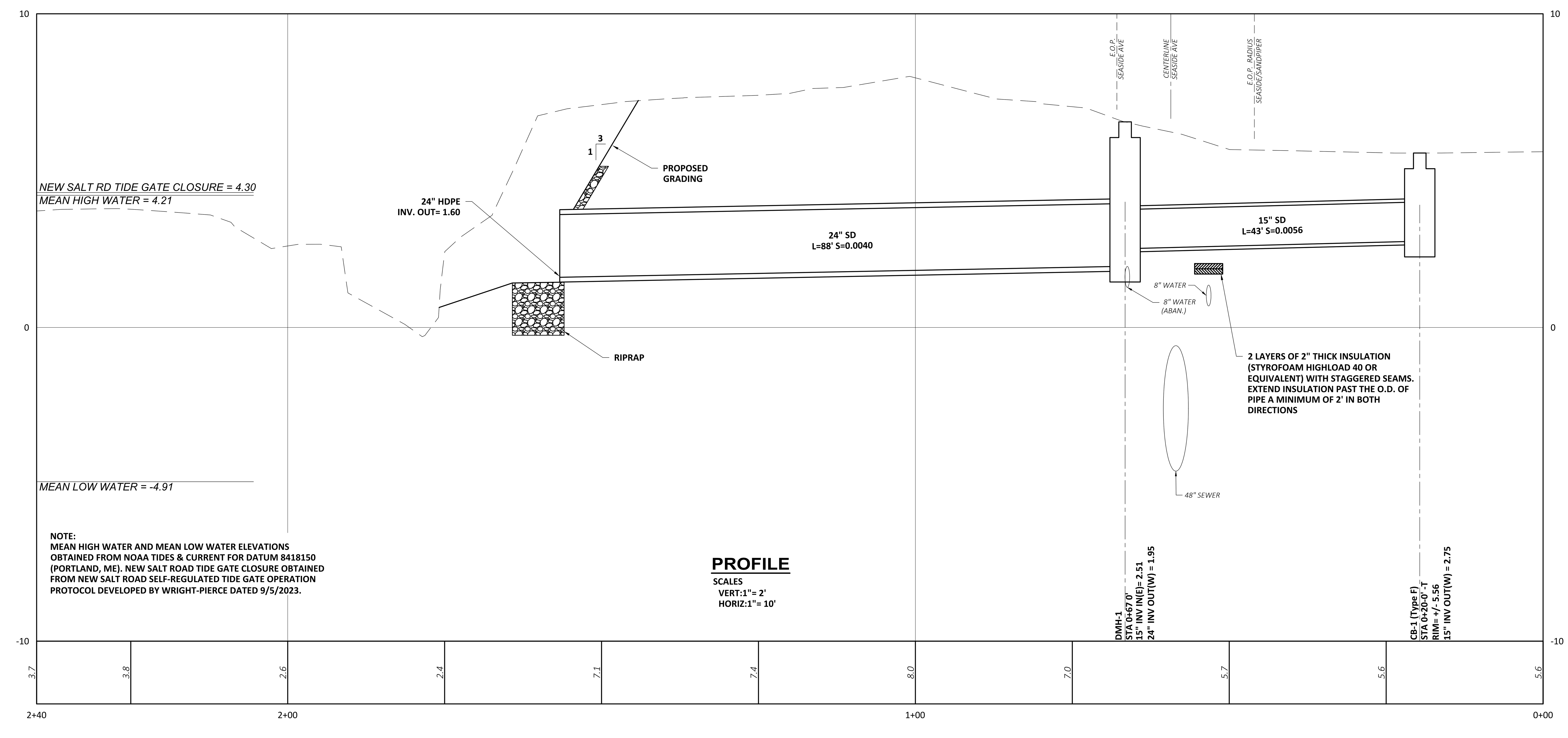
LAST SAVED BY: MICHAEL.VACHON 1/5/2026 12:53 PM



NOTES:

1. STORM DRAIN INSTALLATION SHALL MEET THE REQUIREMENTS OF MAINE DOT STANDARD SPECIFICATIONS (MARCH 2020) SECTION 603.
2. CONTRACTOR TO VERIFY WATER MAIN ELEVATION PRIOR TO ORDERING STRUCTURES.

PLAN
SCALE: 1" = 10'



NOTE:
MEAN HIGH WATER AND MEAN LOW WATER ELEVATIONS OBTAINED FROM NOAA TIDES & CURRENT FOR DATUM 8418150 (PORTLAND, ME). NEW SALT ROAD TIDE GATE CLOSURE OBTAINED FROM NEW SALT ROAD SELF-REGULATED TIDE GATE OPERATION PROTOCOL DEVELOPED BY WRIGHT-PIERCE DATED 9/5/2023.

PROFILE
SCALES
VERT:1"= 2'
HORIZ:1"= 10'

J:\ENG\ME\OOB\22021-SANDPIPERDRAINAGE_DRAWINGS\CIV\22021-CS-PLANPROFILE.DWG | 22021-CS-Planprofile | 1:2.5849 | ---- | 1/5/2026 12:57:39 PM | MICHAEL.VACHON

NO	REVISIONS	APP'D	DATE
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3			
4			
5			

PROJECT NO: 22021
DESIGNED: B.SPRINGER
CAD COORD: M.VACHON
CAD: M.VACHON
CHECKED: B.SPRINGER
DATE: 01-2026
APPROVED: J.WALLACE
DATE: 01-2026
SUBMISSION: CONTRACT DRAWINGS

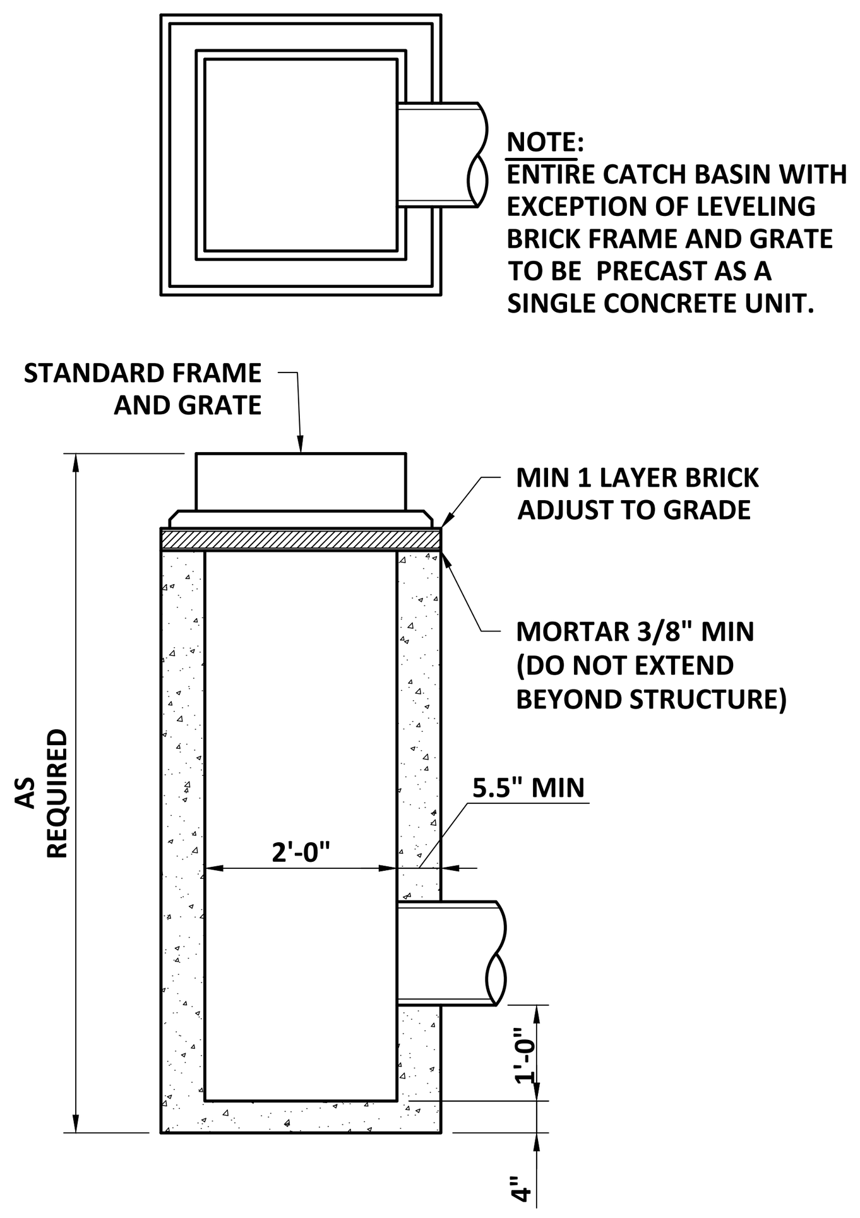
STATE OF MAINE
JAIME C. WALLACE
No. 15440
LICENSED PROFESSIONAL ENGINEER
1/5/2026

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

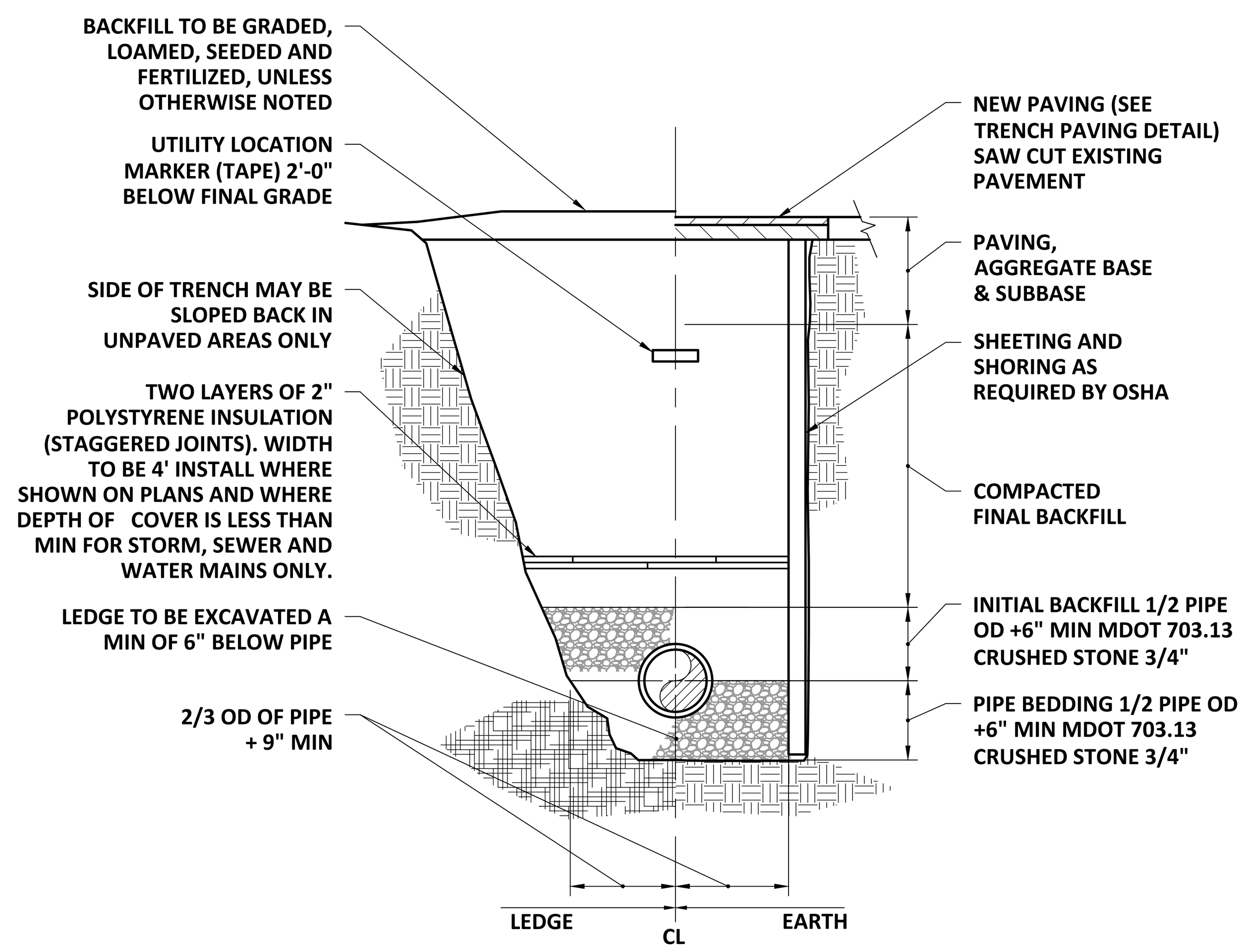
DRAINAGE IMPROVEMENTS
PLAN AND PROFILE

DRAWING
C-2



2'x2' CATCH BASIN (TYPE F)

SCALE: NTS

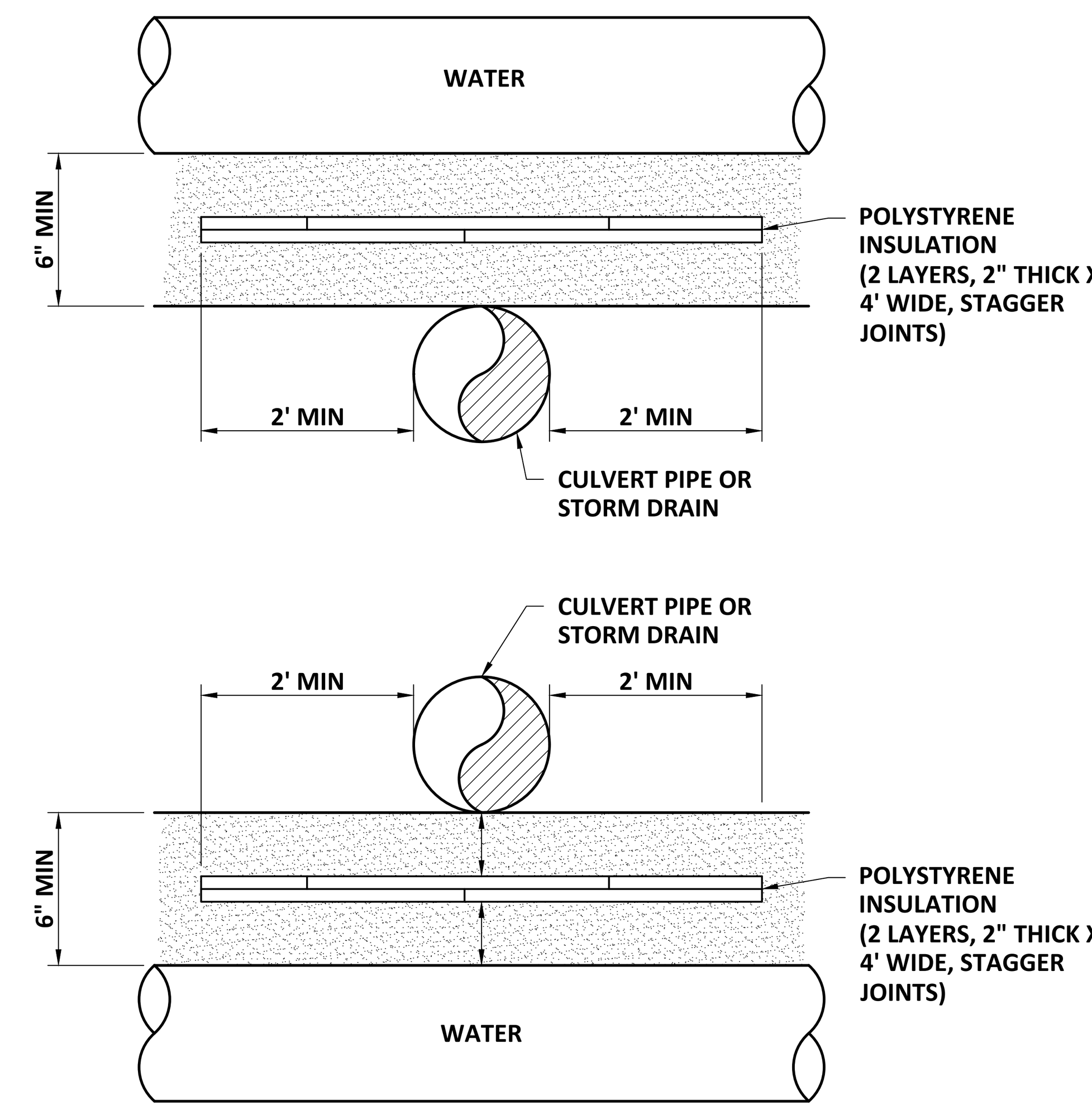


NOTES:

1. ALL EXCAVATION MUST MEET OSHA STANDARDS.
2. INSTALL 3 FOOT LONG IMPERVIOUS MATERIAL DAM IN BEDDING/INITIAL BACKFILL MATERIAL EVERY 100' AND WHERE SHOWN ON PLANS TO PREVENT TRENCH GROUNDWATER FROM BEING CHANNELED ALONG BEDDING/INITIAL BACKFILL.
3. INITIAL BACKFILL FOR WATER MAINS MUST BE 1/2 PIPE OD + 12" MIN MDOT 703.13 CRUSHED STONE 3/4"

PIPE TRENCH

SCALE: NTS

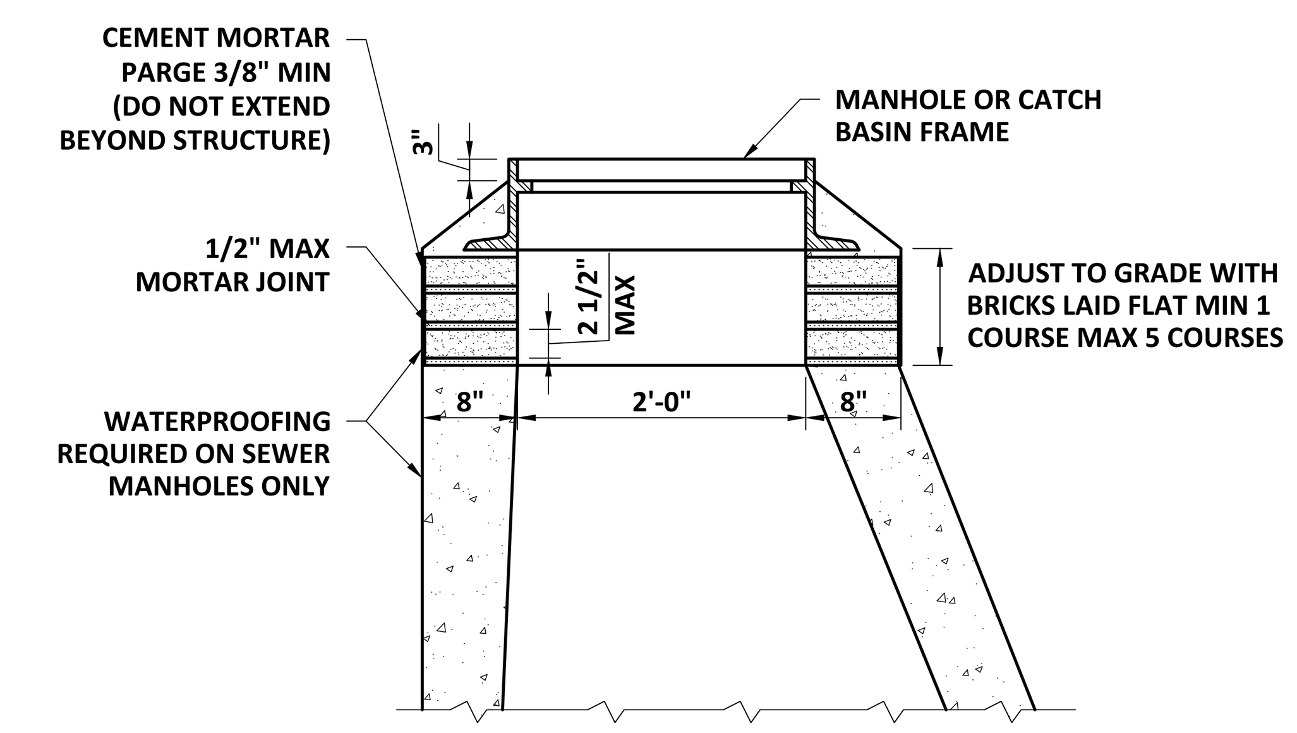


NOTES:

1. INSULATION TO BE USED WHERE PIPE SEPARATION IS 24" OR LESS.
2. INSULATION TO BE STYROFOAM HIGHLOAD 40 OR EQUIVALENT

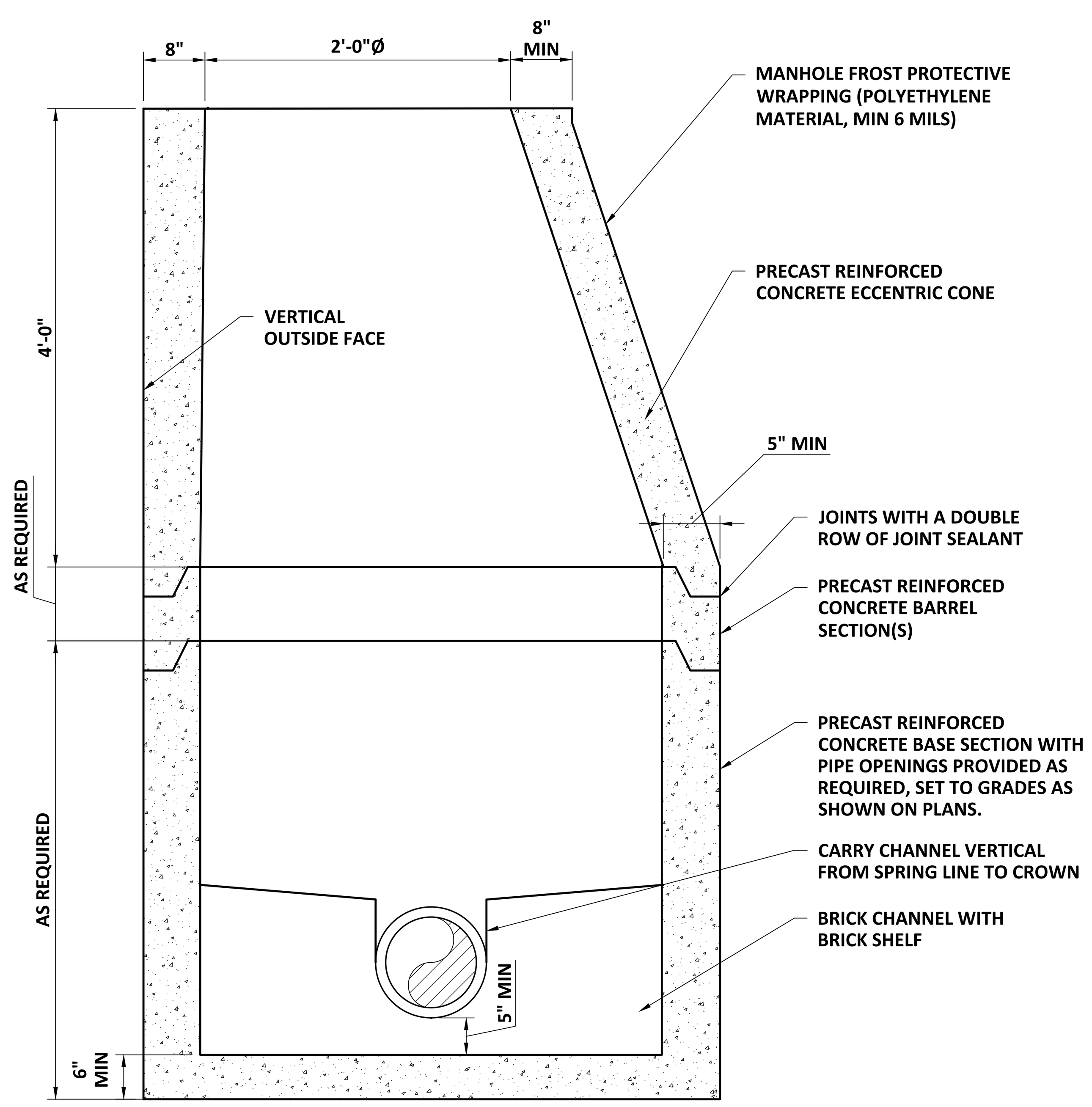
CULVERT PIPE / STORM DRAIN CROSSING

SCALE: NTS



MANHOLE AND CATCH BASIN FRAME INSTALLATION

SCALE: NTS

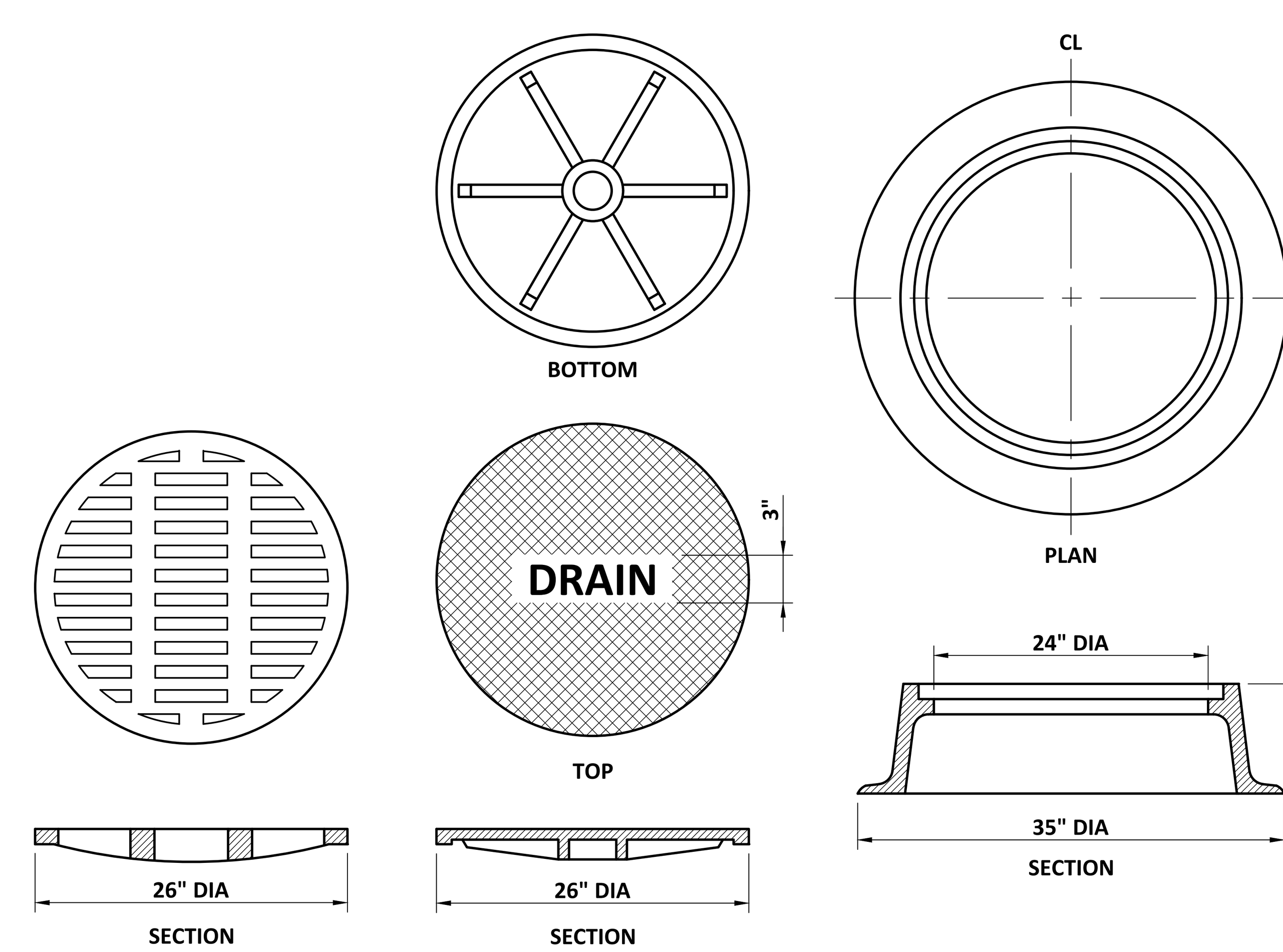


NOTES:

1. MANHOLE CHANNELS REQUIRING A CHANGE IN DIRECTION ARE TO BE BUILT ON A SMOOTH CURVE OF THE LONGEST POSSIBLE RADIUS. IF SIDE PIPES ENTER CHANNEL, SHAPE TO RECEIVE ADDED SIDE FLOW.
2. USE A FLAT SLAB TOP MANHOLE WHEN THE HEIGHT DIFFERENCE BETWEEN THE HIGHEST INVERT AND RIM IS LESS THAN 6'-0" AND WHEN MANHOLE DIAMETER IS GREATER THAN 4'-0".

TYPICAL 4-FT MANHOLE

SCALE: "NTS"

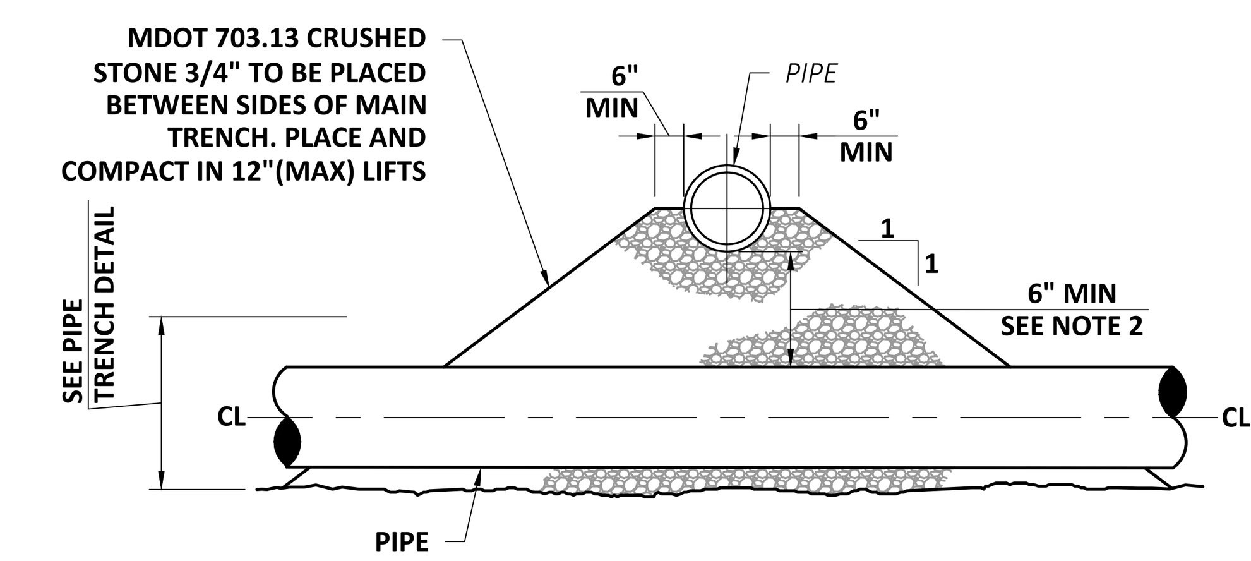


NOTE:

1. FRAME AND COVER MATERIALS AND INSTALLATION SHALL MEET THE REQUIREMENTS OF MAINE DOT STANDARD SPECIFCIATIONS (MARCH 2020) SECTION 604

CATCH BASIN & MANHOLE STANDARD COVER AND FRAME

SCALE: NTS

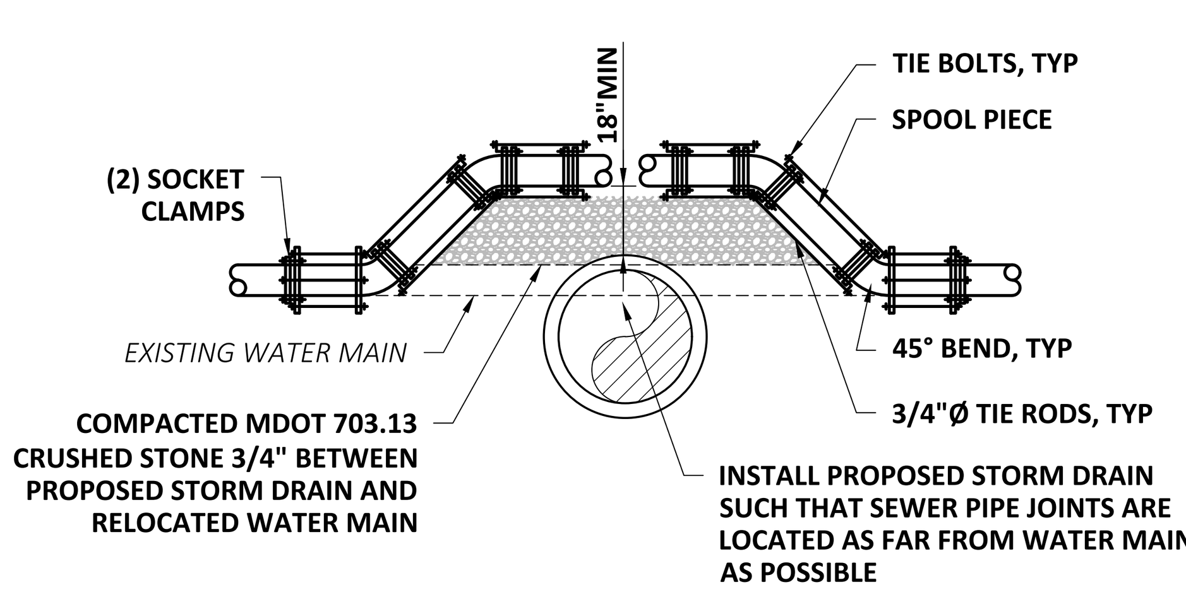


NOTES:

1. JOINTS ON EACH PIPE TO BE AS FAR FROM INTERSECTION AS POSSIBLE.
2. IF LESS THAN 12", FLOWABLE FILL MAY BE REQUIRED RATHER THAN MDOT 703.13 CRUSHED STONE 3/4" TO FACILITATE PROPER PIPE BEDDING AND COMPACTION AT ENGINEER'S DISCRETION.

PIPE CROSSING

SCALE: NTS



NOTES:

1. WATER MAIN MATERIALS TO BE CLASS 52 DUCTILE IRON. JOINT RESTRAINT TO BE BY MECHANICAL JOINT WITH RETAINER GLANDS, OR WITH TIE BOLTS AS SHOWN.
2. TIE RODS, TIE BOLTS, SOCKET CLAMPS AND BRIDLES SHALL BE COATED WITH A BITUMINOUS PAINT AFTER ASSEMBLY OR IF NECESSARY PRIOR TO ASSEMBLY.
3. TIE RODS: 10" DIA WATER MAIN OR LARGER - 4 REQUIRED.
   8" DIA WATER MAIN OR SMALLER - 2 REQUIRED.
4. EXISTING WATER MAINS TO BE RELOCATED OVER NEW STORM DRAIN WHEREVER SUFFICIENT GROUND COVER EXISTS (5' MINIMUM COVER).
5. WATER MAIN RELOCATIONS TO BE COORDINATED WITH MAINE WATER COMPANY.

WATER MAIN RELOCATION

SCALE: NTS

NO	REVISIONS	APP'D	DATE
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4			
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6			

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 01-2026
APPROVED: J. WALLACE
DATE: 01-2026
SUBMISSION: CONTRACT DRAWINGS

STATE OF MAINE
JAIME C. WALLACE
1/5/2026
No. 15441
LICENSED PROFESSIONAL ENGINEER

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
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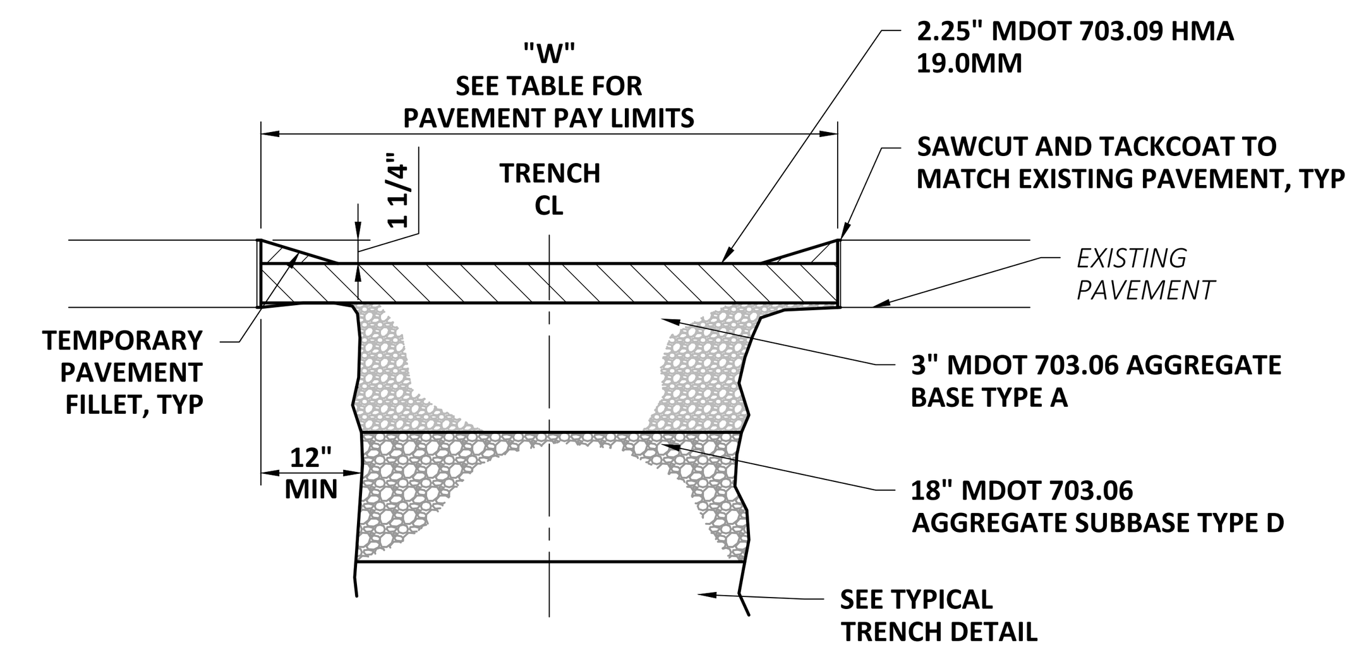
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

SITE CIVIL DETAILS I

DRAWING
C-3

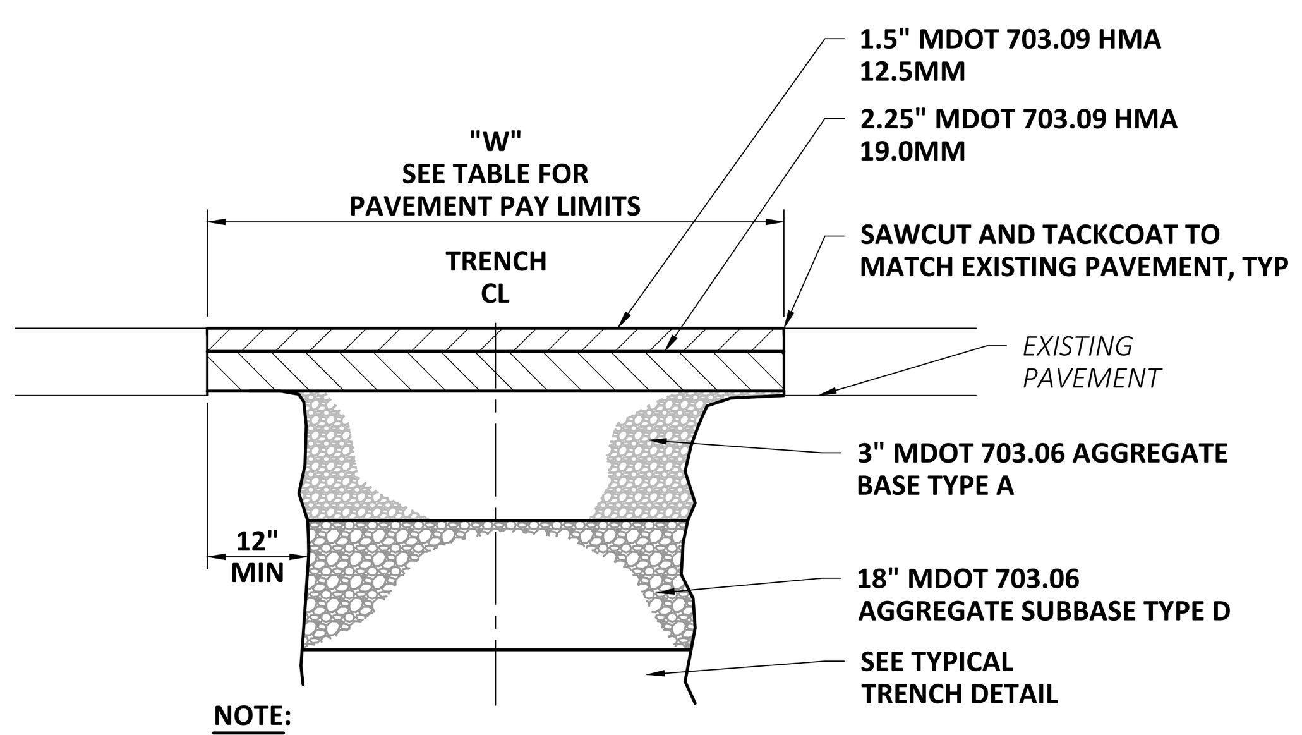


INITIAL TRENCH PAVING (WITHOUT OVERLAY)

SCALE: "NTS"

PAVEMENT PAY LIMITS		
PIPE I.D.	"Wt"	"Wp"
WATER & SEWER SERVICE	6'	8'
6" TO 16"	7'	9'
18" TO 24"	9'	11'

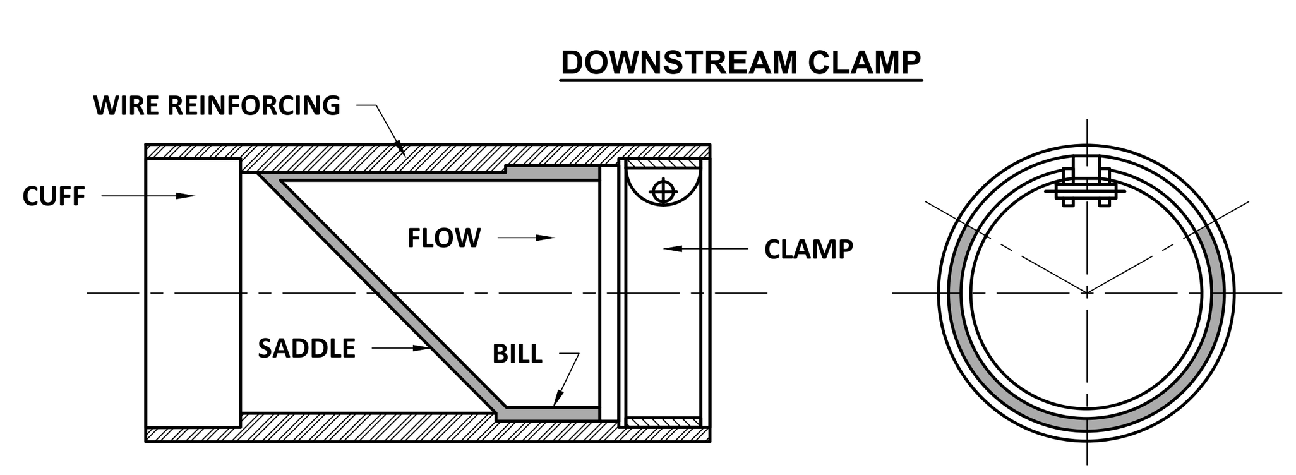
FOR CONSTRUCTION 10'-15' DEEP, INCREASE Wt AND Wp BY 2'-0". FOR CONSTRUCTION 15'-20' DEEP, INCREASE Wt AND Wp BY 4'-0". DEPTH SHALL BE MEASURED AS DIFFERENCE BETWEEN FINISH GRADE AND INVERT ELEVATION



NOTE:
INITIAL TRENCH PAVING MAY BE USED AS THE BASE COURSE FOR FINAL PAVING IF IN GOOD REPAIR.

FINAL TRENCH PAVING (WITHOUT OVERLAY)

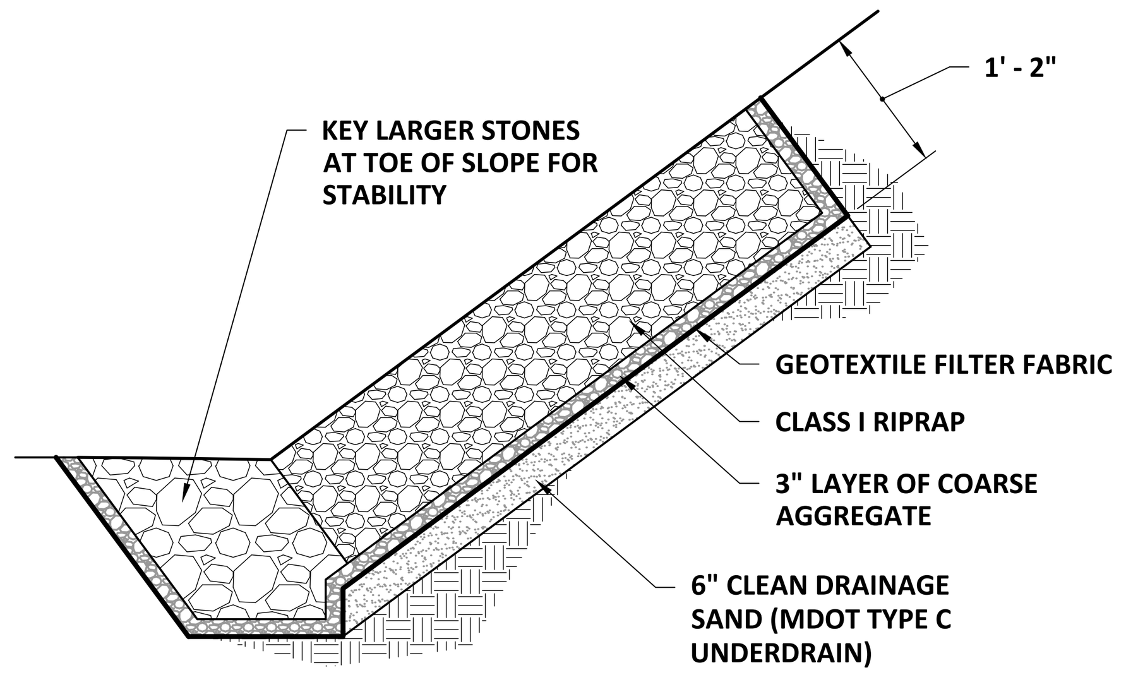
SCALE: "NTS"



PIPE SIZE I.D.	LENGTH	# CLAMPS	CUFF DEPTH	BACK PRESSURE
18"	31"	1	4"	56
24"	47.5"	2	8"	45

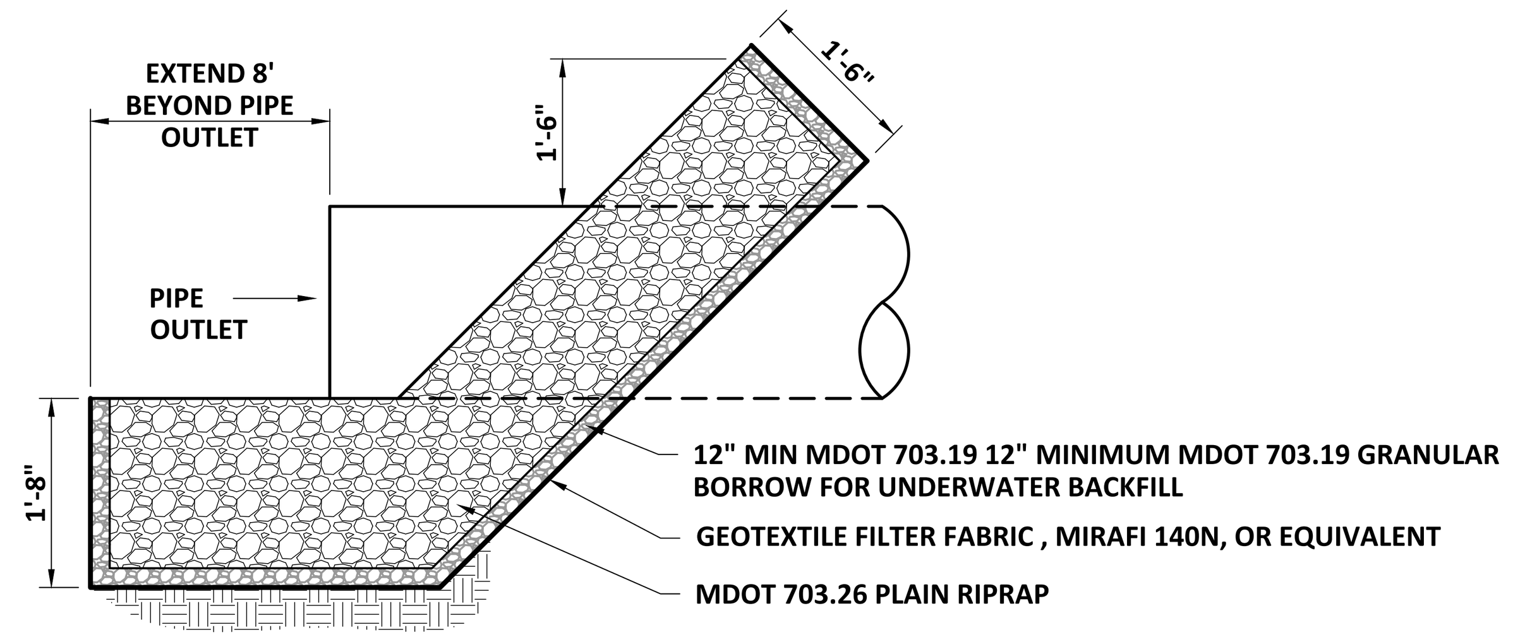
INLINE CHECK VALVE

SCALE: 'NTS'



RIPRAP SLOPE PROTECTION

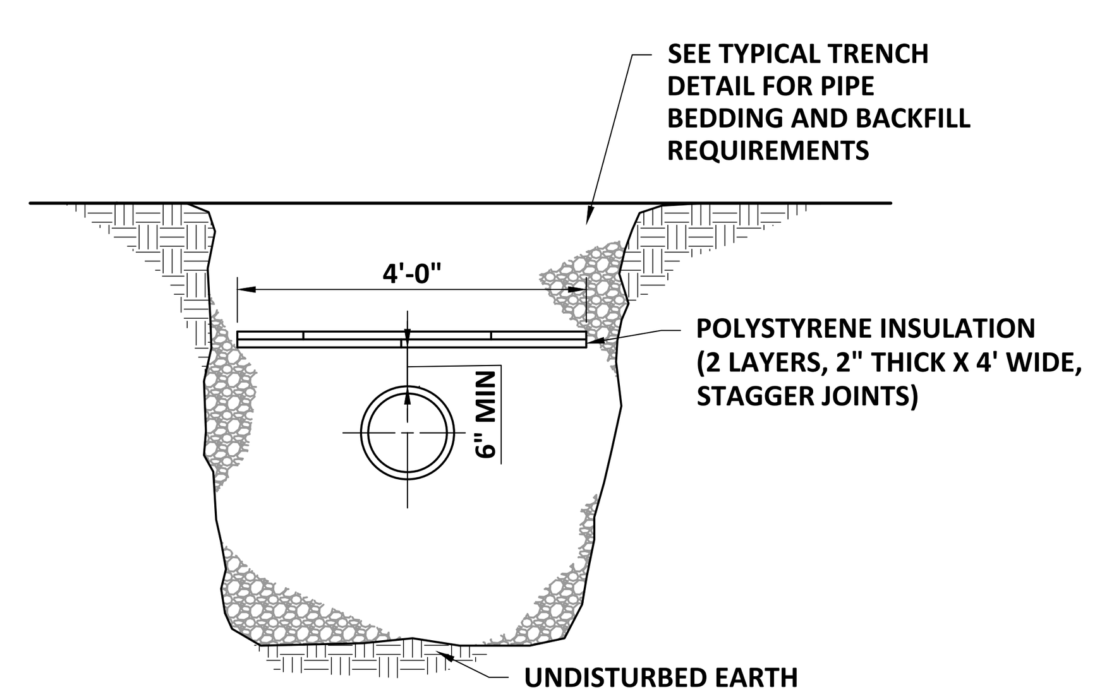
SCALE: NTS



NOTE:
RIPRAP WIDTH SHALL BE EQUAL TO THE PIPE OUTSIDE Ø PLUS 4 FEET CENTERED ON PIPE

PIPE OUTLET RIPRAP

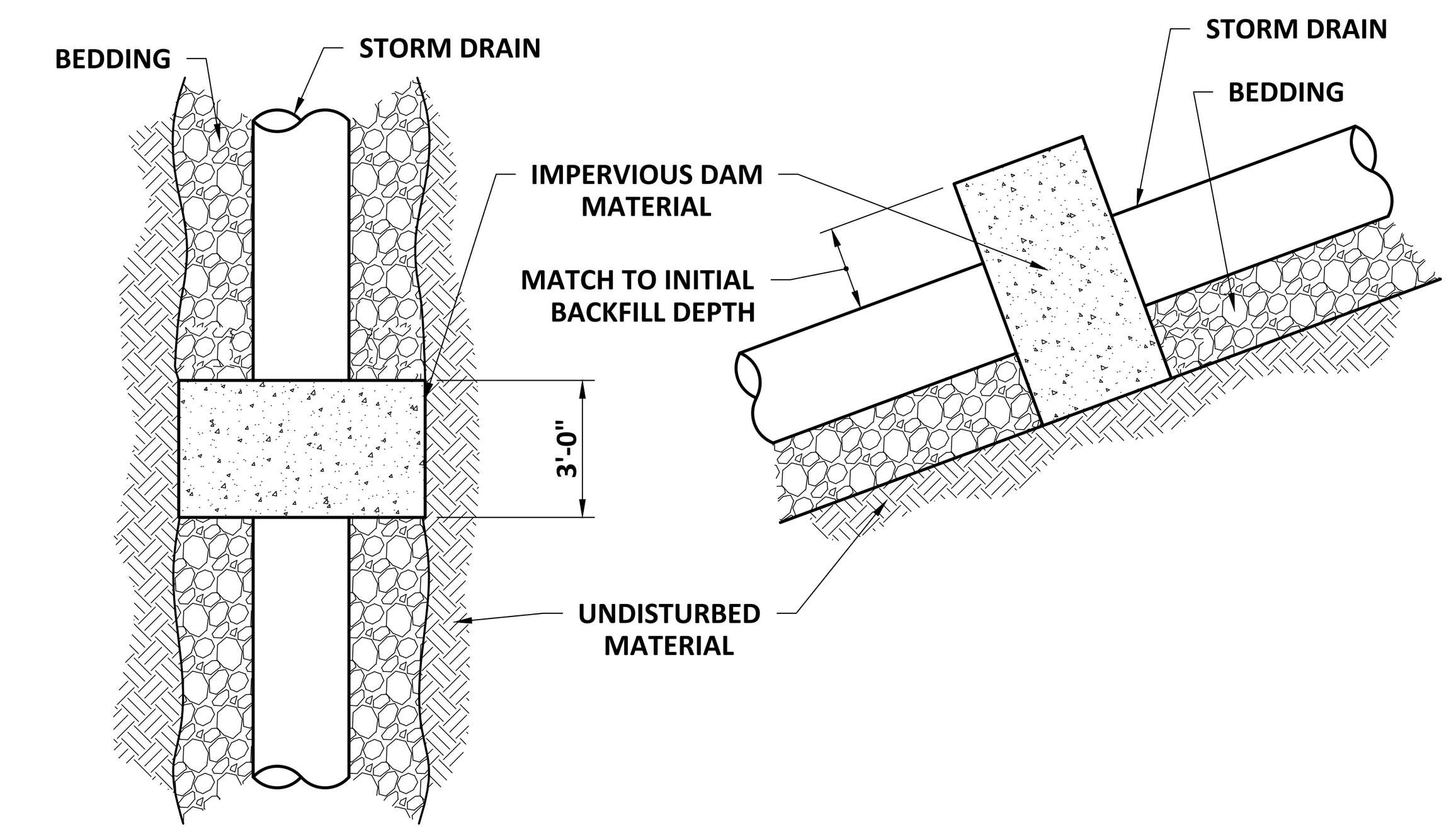
SCALE: NTS



NOTE:
TRENCH PIPE INSULATION TO BE USED WHERE DEPTH OF COVER IS LESS THAN ** FEET OR AS DIRECTED BY THE ENGINEER

TRENCH PIPE INSULATION

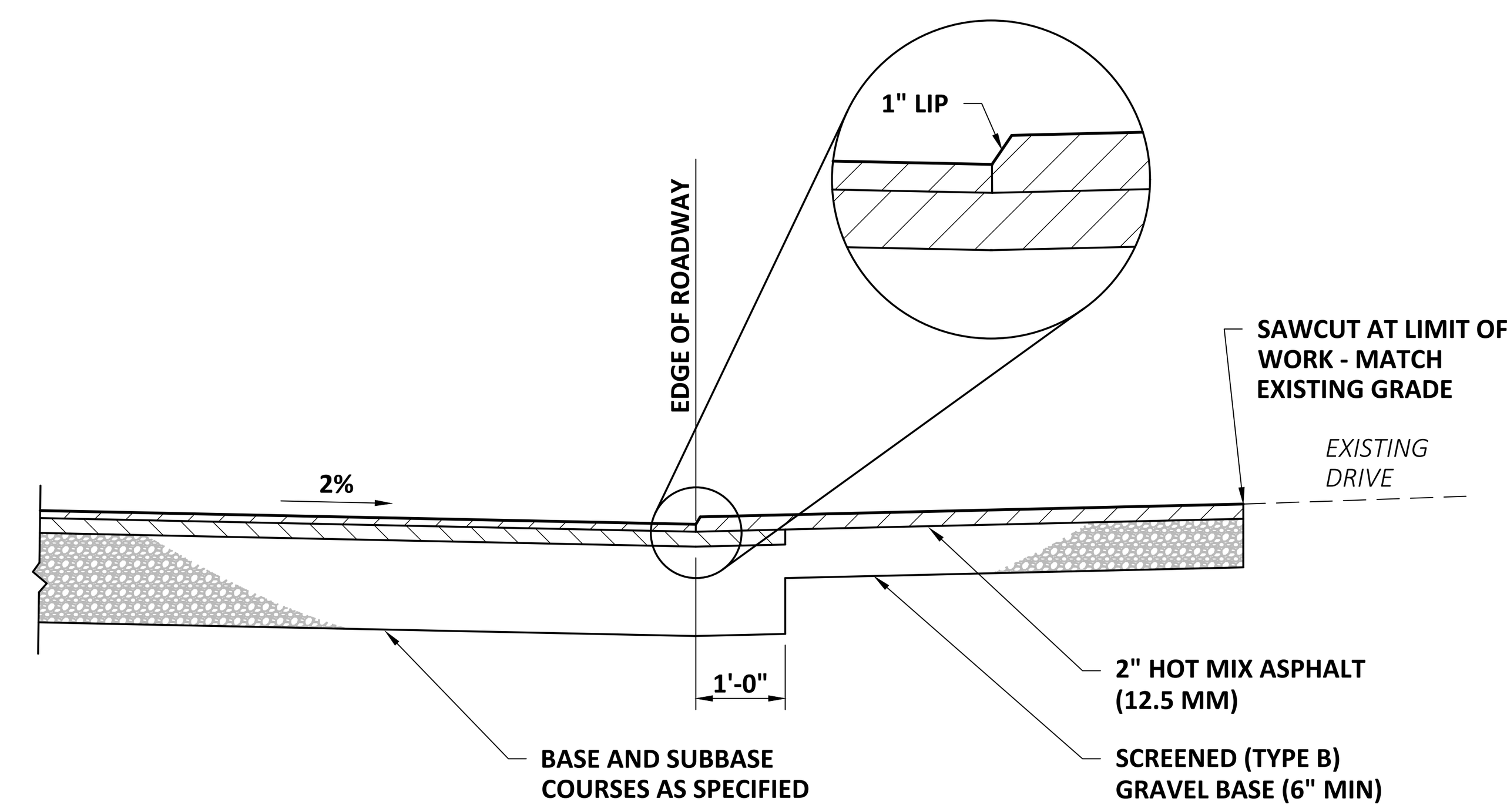
SCALE: NTS



IMPERVIOUS DAM DETAIL

SCALE: NTS

NOTE:
INSTALL IMPERVIOUS DAMS EVERY 100 FT AND WHERE REQUIRED BY ENGINEER.



TYPICAL DRIVE SECTION

SCALE: NTS

NO	REVISIONS	APP'D	DATE
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PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
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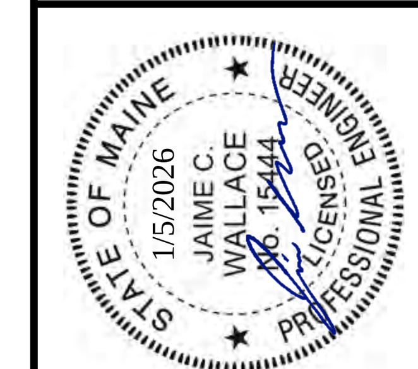

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11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
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SITE CIVIL DETAILS II

DRAWING
C-4

EROSION AND SEDIMENTATION CONTROL NOTES

THIS PLAN HAS BEEN DEVELOPED AS A STRATEGY TO CONTROL SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION. THIS PLAN IS BASED ON THE STANDARDS AND SPECIFICATIONS FOR EROSION PREVENTION IN DEVELOPING AREAS IN ACCORDANCE WITH OCTOBER 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPS) MANUAL FOR DESIGNERS AND ENGINEERS, OR LATEST EDITION. EROSION CONTROL MIX SHALL BE AS SPECIFIED IN THIS CITATION, PAGE 40.

THE PROPOSED LOCATIONS OF SILTATION AND EROSION CONTROL STRUCTURES ARE SHOWN ON THE SITE PLAN.

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE IN ACCORDANCE WITH 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL FIELD GUIDE FOR CONTRACTORS, OR LATEST EDITION. ALL TEMPORARY MEASURES SHALL NOT BE REMOVED UNTIL SITE IS FULLY STABILIZED.
2. IN AREAS ADJACENT TO NATURAL RESOURCES, LOCATIONS TO BE VEGETATED IN THEIR FINISH CONDITION SHALL BE STABILIZED WITH MULCH WITHIN 7 DAYS OF MOST RECENT DISTURBANCE.
3. AREAS THAT WILL NOT RECEIVE FINAL GRADING FOR UP TO ONE YEAR SHALL BE STABILIZED WITH MULCH WITHIN 7 DAYS OF MOST RECENT DISTURBANCE.
4. THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE MAINTAINED IN AN UNTREATED OR UNVEGETATED CONDITION FOR THE MINIMUM TIME REQUIRED. IN GENERAL AREAS TO BE VEGETATED SHALL BE PERMANENTLY STABILIZED WITHIN 15 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE OF THE SOIL.
5. SEDIMENT BARRIERS (SILT FENCE, STONE CHECK DAMS, ETC.) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF UPGRADIENT DRAINAGE AREAS. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF STOCKPILES, AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO THE STOCKPILES. PLASTIC SHEETING OR OTHER MATERIAL, WOVEN OR NON-WOVEN GEOTEXTILE FABRIC, MAY BE USED TO COVER STOCKPILES.
6. INSTALL SILT FENCE AT TOE OF SLOPES TO FILTER SILT FROM RUNOFF. SEE SILT FENCE DETAIL FOR PROPER INSTALLATION. SILT FENCE WILL REMAIN IN PLACE PER NOTE #5.
7. ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSURE. IF REPAIRS ARE IDENTIFIED, THEY SHALL BEGIN NO LATER THAN THE END OF THE FOLLOWING WORK DAY AND BE COMPLETE WITHIN 7 DAYS FROM INSPECTION. SEDIMENT DEPOSITS MUST BE REMOVED WHEN THEY REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE PERMANENTLY STABILIZED.
8. NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN TWO HORIZONTAL TO ONE VERTICAL (2 TO 1) UNLESS STABILIZED WITH RIPRAP OR OTHER STRUCTURAL MEANS. NO SLOPES IN EXCESS OF 1.5H:1V SHALL BE ALLOWED UNLESS STAMPED BY A PROFESSIONAL ENGINEER.
9. IF FINAL SEEDING AND SODDING IS NOT EXPECTED PRIOR TO THE ANTICIPATED DATE OF THE FIRST KILLING FROST, USE TEMPORARY ANNUAL RYEGRASS SEEDING AND MULCHING ON ROUGH GRADED SUBSOIL TO PROTECT THE SITE AND DELAY PERMANENT LOAMING, FINE GRADING, AND SEEDING OR SODDING UNTIL SPRING.
10. WHEN FEASIBLE, TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINISH GRADED SHALL BE COMPLETED 30 DAYS PRIOR TO THE FIRST KILLING FROST.
11. DURING THE CONSTRUCTION PHASE, INTERCEPTED SEDIMENT WILL BE RETURNED TO THE SITE AND REGRADED ONTO OPEN AREAS. POST SEEDING SEDIMENT, IF ANY, WILL BE DISPOSED OF IN AN ACCEPTABLE MANNER.
12. REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED, AND REVEGETATED.
13. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE IS STABILIZED.
14. EXCAVATION AND EARTHWORK SHALL BE DONE SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
15. EXPOSED AREA SHOULD BE LIMITED SUCH THAT THE AREA CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT.
16. STABILIZATION SCHEDULE BEFORE WINTER:

    <u>SEPTEMBER 1:</u> ALL SLOPES GREATER THAN 15% MUST BE SEEDED AND MULCHED.
    ALL GRASS-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED.

    <u>SEPTEMBER 15</u> ALL DISTURBED AREAS MUST BE SEEDED AND MULCHED.
    ALL SLOPES MUST BE STABILIZED, SEEDED AND MULCHED.
    SLOPES 3:1 OR GREATER TO BE STABILIZED WITH EROSION CONTROL MATTING AND SEEDED.
    ALL DISTURBED AREAS TO BE PROTECTED WITH AN ANNUAL GRASS MUST BE SEEDED AT A SEEDING RATE OF 3 POUNDS PER 1,000 SQUARE FEET AND MULCHED.

    <u>OCTOBER 1</u> ALL DISTURBED AREAS TO BE PROTECTED WITH WINTER RYE MUST BE APPLIED AT A RATE OF 3LB PER 1000 SQUARE FEET, AND WITH HAY APPLIED AT A RATE OF 75LB PER 1000 SQUARE FEET OR WITH AN EROSION CONTROL BLANKET.

    <u>OCTOBER 15:</u> SOIL MUST BE SEEDED WITH WINTER RYE AND PROTECTED WITH EROSION CONTROL BLANKET IF NOT YET STABILIZED.

    <u>NOVEMBER 1:</u> AREA SHOULD BE STABILIZED IF RYE HAS NOT GROWN THREE INCHES AND DOES NOT HAVE 75% COVERAGE.

    <u>NOVEMBER 15</u> ALL STONE-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED.
    SLOPES THAT ARE COVERED WITH RIPRAP MUST BE CONSTRUCTED BY THAT DATE.

    <u>DECEMBER 1</u> ALL DISTURBED AREAS WHERE THE GROWTH OF VEGETATION FAILS TO BE AT LEAST THREE INCHES TALL OR AT LEAST 75% OF THE DISTURBED SOIL IS COVERED BY VEGETATION, MUST BE PROTECTED FOR OVER-WINTER.

17. MULCH MAY REQUIRE ANCHORING TO ENSURE THAT MULCH REMAINS IN-PLACE. MULCH NETTING, CRIMPING, OR PUNCHING ARE ACCEPTABLE METHODS. MULCH NETTING SHALL BE TENAX RADIX EROSION CONTROL NETS OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER REQUIREMENTS.
18. SPILL PREVENTION: CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM BEING DISCHARGED FROM MATERIALS AND EQUIPMENT ON-SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
19. GROUNDWATER PROTECTION: DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS, ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.
20. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.
21. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.
22. <u>AUTHORIZED NON-STORMWATER DISCHARGES:</u> IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:
    - A. DISCHARGES FROM FIREFIGHTING ACTIVITY;
    - B. FIRE HYDRANT FLUSHINGS;
    - C. VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
    - D. DUST CONTROL RUNOFF IN ACCORDANCE WITH SPECIFICATIONS AND ANY APPLICABLE PERMIT CONDITIONS;
    - E. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
    - F. PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
    - G. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
    - H. UNCONTAMINATED GROUNDWATER OR SPRING WATER;
    - I. FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
    - J. UNCONTAMINATED EXCAVATION DEWATERING;
    - K. POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND
    - L. LANDSCAPE IRRIGATION.
24. <u>UNAUTHORIZED NON-STORMWATER DISCHARGES:</u> THE MAINEDEP'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C (6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
    - A. WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
    - B. FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
    - C. SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
    - D. TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

EROSION CONTROL - WINTER CONSTRUCTION

1. WINTER CONSTRUCTION PERIOD DEFINED: NOVEMBER 1 THROUGH APRIL 15.
2. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION AS LISTED IN ITEM 2 ABOVE.
3. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW AT A RATE OF 100 LB. PER 1,000 SQUARE FEET (WITH OR WITHOUT SEEDING) OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SUCH THAT SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH. OVERWINTER HAY MULCH SHOULD BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET. MULCH SHOULD BE ANCHORED WITH NETTING OR TACKIFIER TO PREVENT MOVEMENT BEFORE FREEZING.
4. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1ST, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE-FREEZING TEMPERATURES, THE SLOPES SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED AND IS SMOOTH, THEN THE AREA MUST BE STABILIZED WITH MULCH. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, ALL EXPOSED AREAS SHALL BE GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT EXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER. UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW DITCHES TO BE FINISHED WITH THE PERMANENT SURFACE TREATMENT, EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF HAY OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS.
5. THE APPLICATION OF MULCH TO FINE GRADED AREAS WILL BE STABILIZED AS FOLLOWS:
    - A. BETWEEN THE DATES OF NOVEMBER 1ST AND APRIL 15TH ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION, CHEMICAL TACK OR WOOD CELLULOSE FIBER.
    - B. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GRATER THAN 8%. THIS SHALL BE IN ADDITION TO EROSION CONTROL MATTING-DITCHES DETAIL.
    - C. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1ST, THE SAME APPLIES FOR ALL SLOPES GREATER THAN 8%.
6. AFTER NOVEMBER 1ST THE CONTRACTOR SHALL APPLY MULCH AND ANCHORING ON ALL BARE EARTH AT THE END OF EACH WORKING DAY.
7. DURING WINTER CONSTRUCTION PERIODS ALL SNOW SHALL BE REMOVED FROM AREAS OF MULCHING PRIOR TO PLACEMENT.
8. THE INSPECTION FREQUENCY FOR AREAS BEING WORKED ON DURING WINTER CONSTRUCTION SHALL BE AFTER EACH RAINFALL, SNOWSTORM, OR THAWING, AND AT LEAST ONCE A WEEK.
    - A. CONTRACTOR SHALL NOT BE REQUIRED TO INSPECT AREAS OF THE SITE THAT ARE NOT VISIBLE DUE TO SNOW IF THOSE AREAS ARE NOT BEING ACTIVELY CONSTRUCTED, HAVE BEEN INSPECTED AND PROPERLY REPAIRED PRIOR TO THE SNOW EVENT.

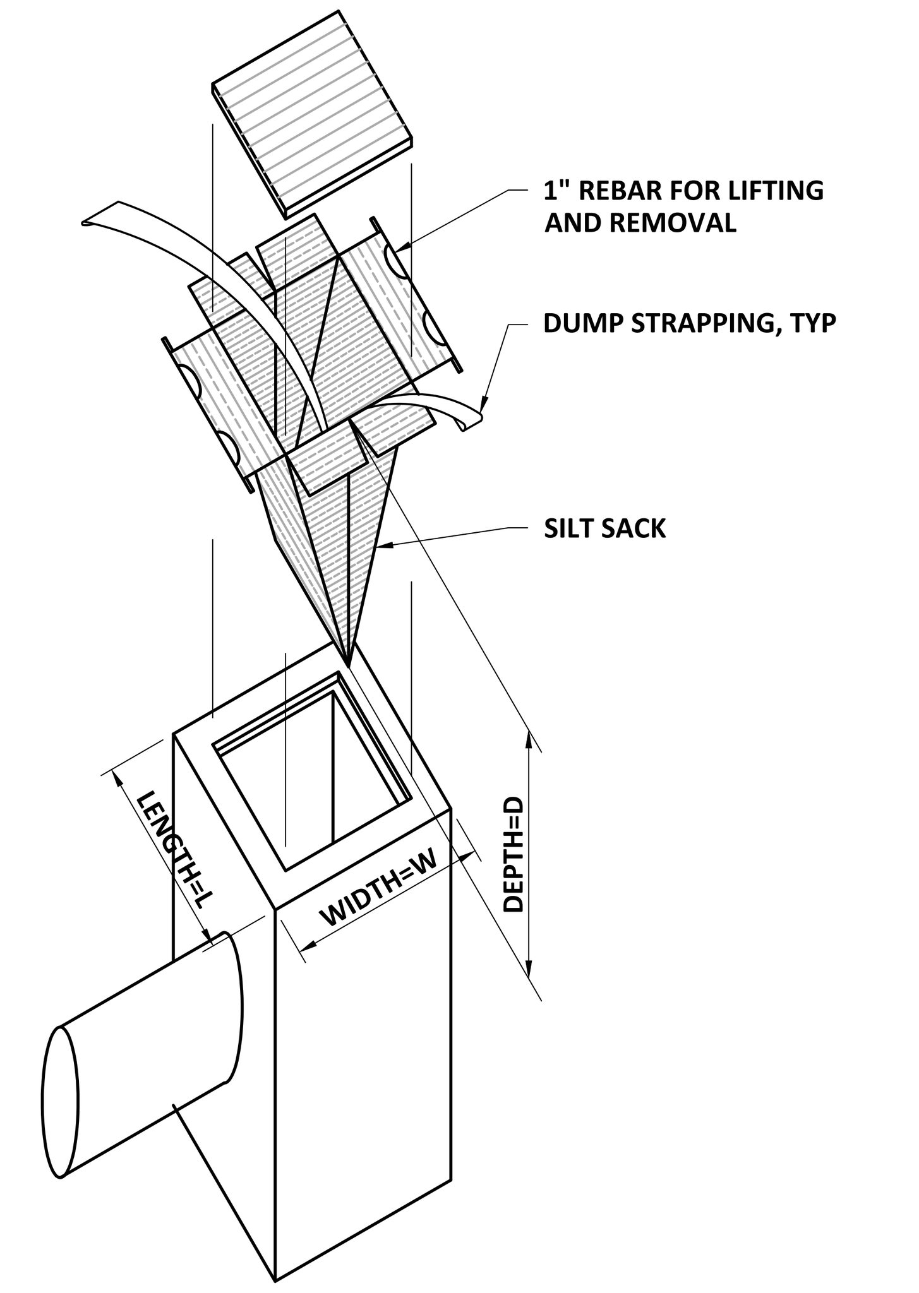
EROSION CONTROL - WETLAND NOTES

1. WETLANDS AND SURFACE WATERS (EXCEPTING THOSE WHICH ARE TO BE FILLED IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS) WILL BE PROTECTED WITH SILT FENCE INSTALLED AT THE EDGE OF THE WETLAND OR THE BOUNDARY OF WETLAND DISTURBANCE.
2. IF THE WORK INCLUDES CROSSING OF WETLANDS AND/OR STREAMS, THE CONTRACTOR SHALL TAKE SPECIAL PRECAUTIONS WORKING IN THESE AREAS.
3. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION WITHIN OR ADJACENT TO WETLAND AREAS. ALL TEMPORARY MEASURES SHALL NOT BE REMOVED UNTIL SITE IS FULLY STABILIZED.
4. WETLAND VEGETATIVE LAYERS SHALL BE REMOVED AND SALVAGED FOR RESTORATION OF THE DISTURBED AREAS.
5. STORAGE AREAS FOR WETLAND MATERIALS SHALL BE PROPERLY PROTECTED AGAINST EROSION.
6. WETLAND MATS WILL BE INSTALLED OVER WETLAND AREAS THAT NEED TO BE UTILIZED BY EQUIPMENT DURING CONSTRUCTION; HOWEVER, WORK SHALL BE CONDUCTED FROM OUTSIDE THE WETLAND TO THE GREATEST EXTENT PRACTICABLE.

INSPECTIONS

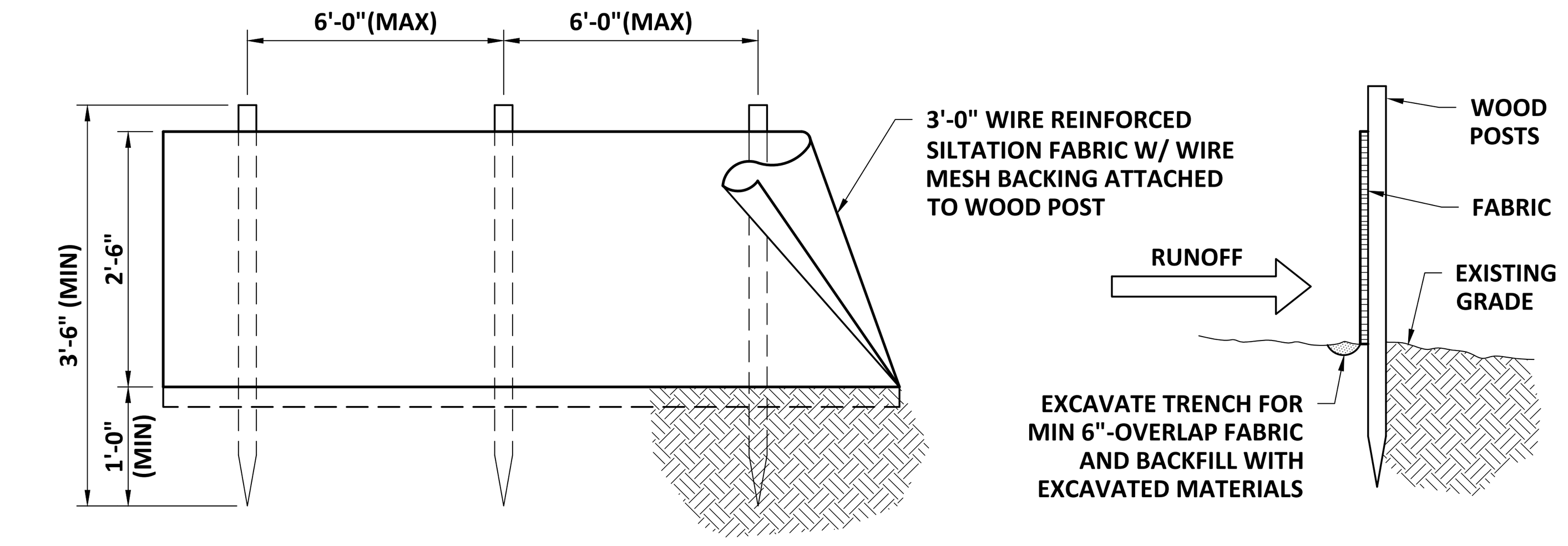
REGULAR INSPECTIONS OF ALL EROSION AND SEDIMENTATION CONTROLS SHALL BE MADE AT LEAST WEEKLY AND PRIOR TO AND FOLLOWING STORM EVENTS. MINIMUM INSPECTIONS SHALL BE MADE AS LISTED IN THE TABLE BELOW. SEE INSPECTIONS, MAINTENANCE AND HOUSEKEEPING PLAN FOR ADDITIONAL INFORMATION.

INSPECTED ITEM	EXAMPLE REPAIR INDICATORS
MULCHED SURFACES	THIN MULCH OR INADEQUATE APPLICATION. WIND MOVEMENT
SEEDED SURFACES	POOR SEED GERMINATION. LOSS OF MULCH. DEVELOPMENT OF RIVULETS.
SEDIMENT BARRIER	SEDIMENT BUILD-UP TO ONE HALF THE HEIGHT OF THE BARRIER. UNDERMINING OF THE BARRIER. SUPPORTING STAKES LOOSE, TOPPLED OR UNMARKED. BREAKS IN BARRIER.
PERIMETER DIVERSION	DISCHARGE IS TO STABILIZED AREA. EROSION OR BREAKS IN BARRIER. SUPPORTING STAKES LOOSE, TOPPLED OR UNMARKED.
CATCH BASIN PROTECTION	SEDIMENT BUILD-UP AND STRUCTURE BLOCKAGES. SLOW FLOW/PONDING WATER. BREAKS IN FABRIC OR VOIDS IN BARRIER.
DEWATERING FILTER	BREAKS IN FABRIC OR SUPPORTING STRUCTURE. SLOW FLOW, INDICATING HIGH SEDIMENT BUILD-UP.
CONSTRUCTION ENTRANCE	SEDIMENTATION OF ROADWAYS. OFF-SITE DUST COMPLAINTS.
STOCKPILE	BALLOONING OR BLOWOUTS, RUNOFF AND EROSION

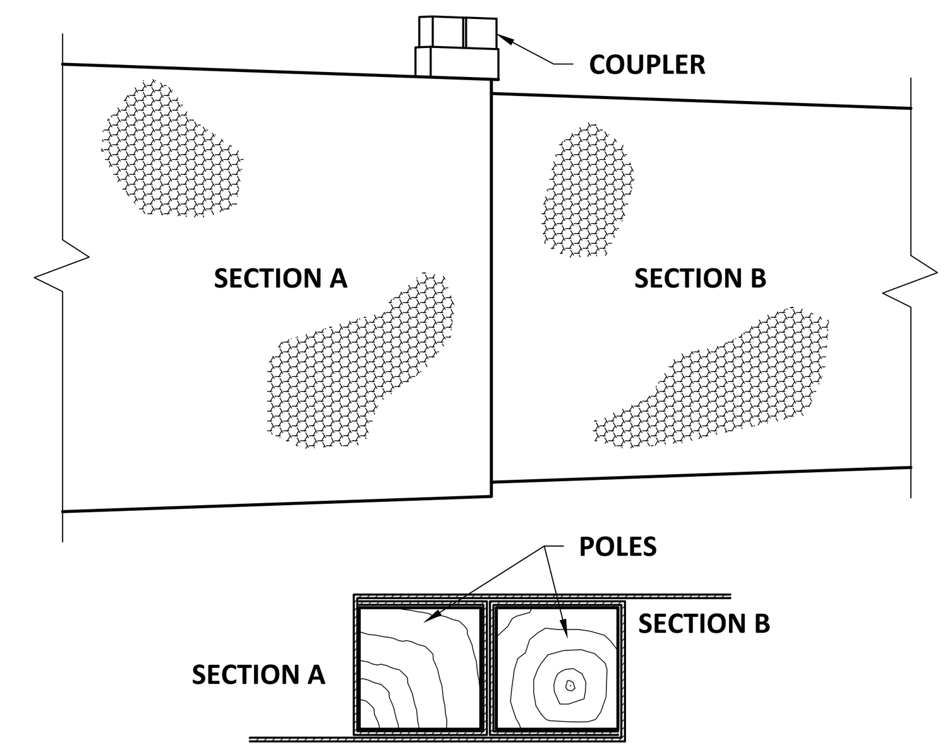


NOTE:
INSTALL SILT SACK PER MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS. EMPTY OR REMOVE SEDIMENT FROM SILT SACK WHEN RESTRAINT CORD IS NO LONGER VISIBLE. CLEAN, RINSE, AND REPLACE AS NEEDED.

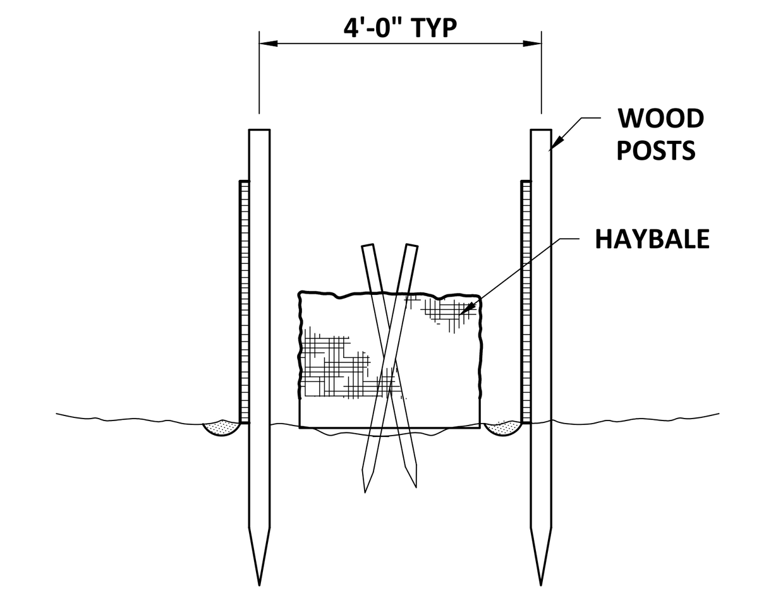
SILT SACK CATCH BASIN INLET
SCALE: NTS



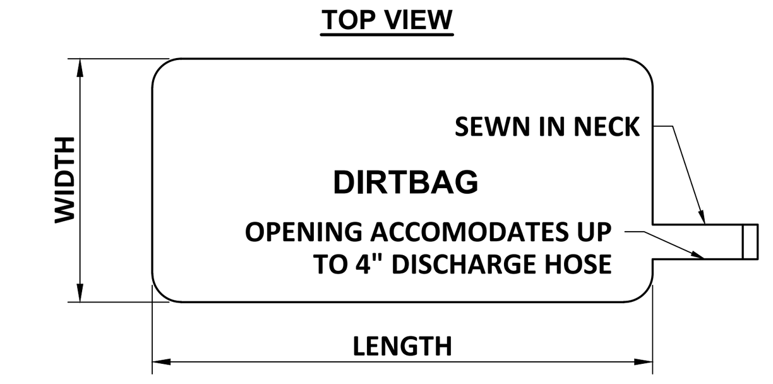
SILT FENCE INSTALLATION DETAIL
SCALE: NTS



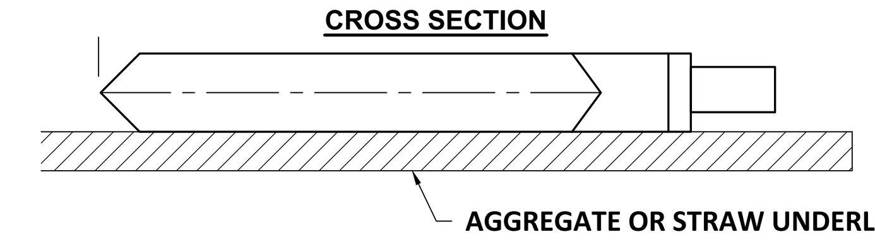
JOINING SILT FENCE SECTIONS
SCALE: "NTS"



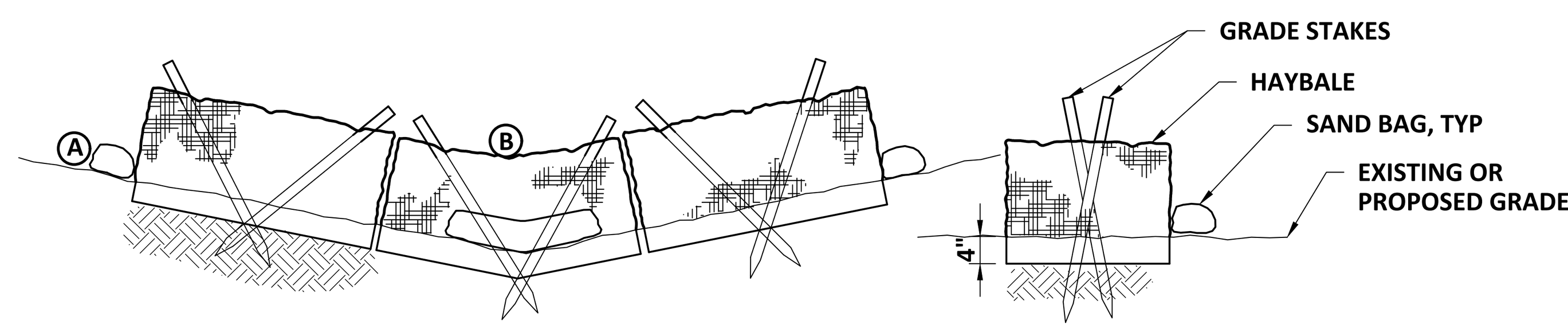
COMBINATION SILT FENCE AND HAY BALE BARRIER
SCALE: NTS



NOTES:
1. DIRTBAG TO BE PLACED ON AGGREGATE OR STRAW.
2. SEAMS MUST BE HIGH STRENGTH DOUBLE STITCHED "J" SEAMS.
3. SEAM MUST BE TESTED UNDER ASTM D-4884. ACF TEST RESULTS AVAILABLE UPON REQUEST.

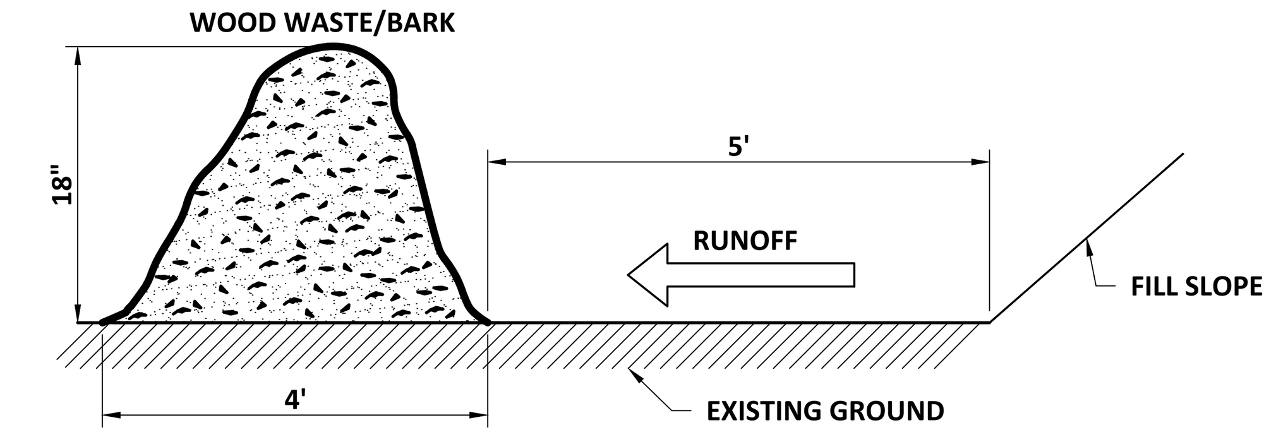


DIRT BAG
SCALE: "NTS"



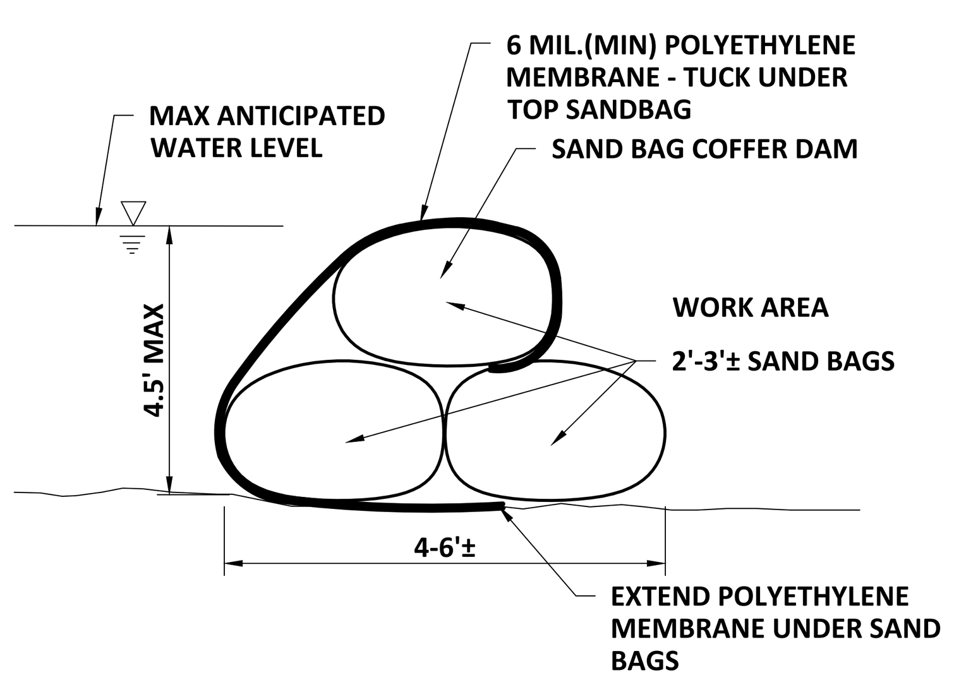
EROSION CHECK TO BE BALES OF HAY SECURED TO THE GROUND WITH TWO 4' LONG GRADE STAKES FOR EACH BALE. SAND BAG AS REQUIRED, PLACE SUFFICIENT BALES TO ESTABLISH ELEVATIONS AT A AT LEAST 6 INCHES ABOVE OVERFLOW AT (B)

HAY BALE CHECK DAM
SCALE: "NTS"

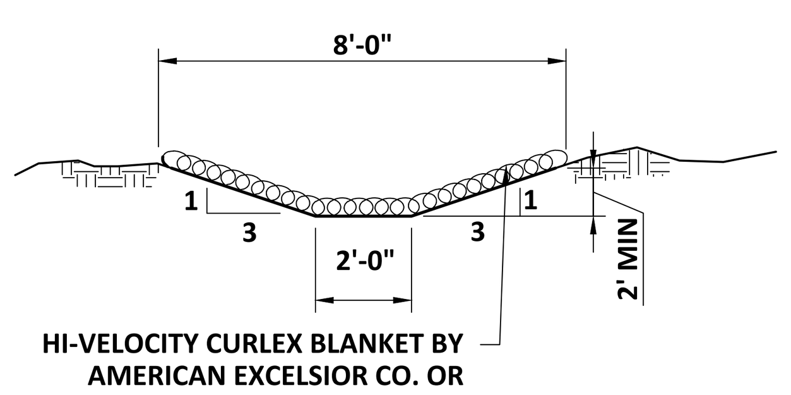


NOTE:
1. EROSION CONTROL MIX SHALL BE AS SPECIFIED ON PAGE 45 OF THE OCTOBER 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPS) MANUAL FOR DESIGNERS AND ENGINEERS, OR LATEST EDITION.

EROSION CONTROL MIX BERM
SCALE: "NTS"

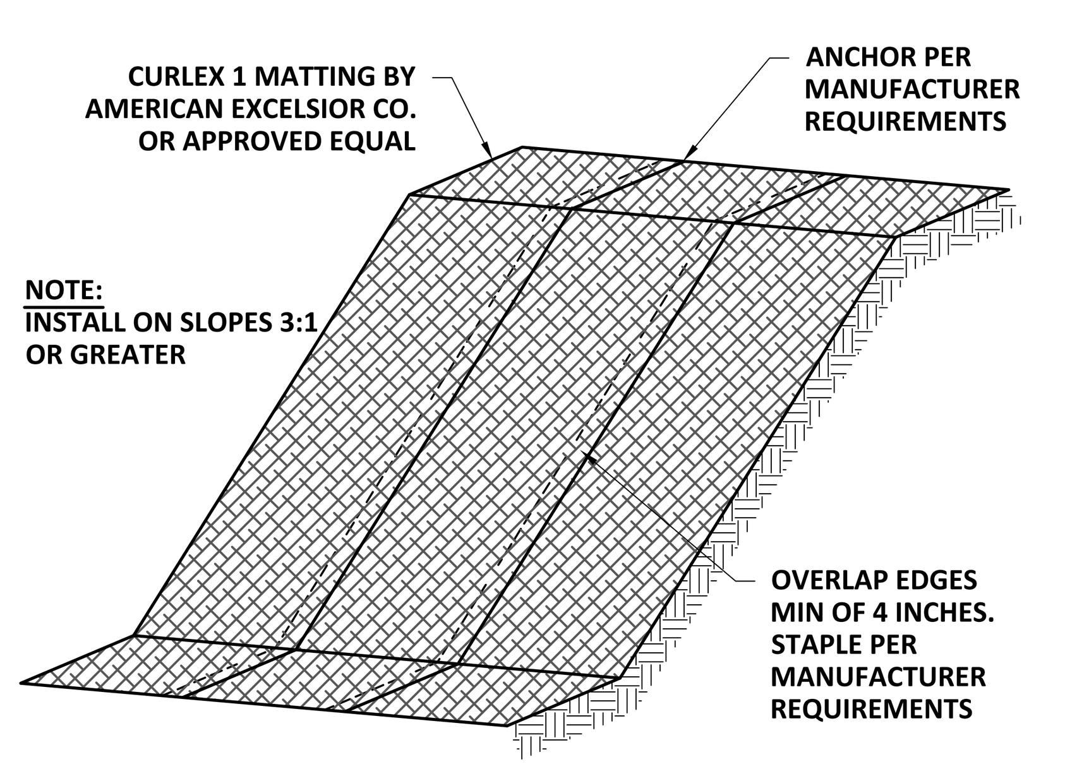


SAND BAG COFFER DAM
SCALE: "NTS"



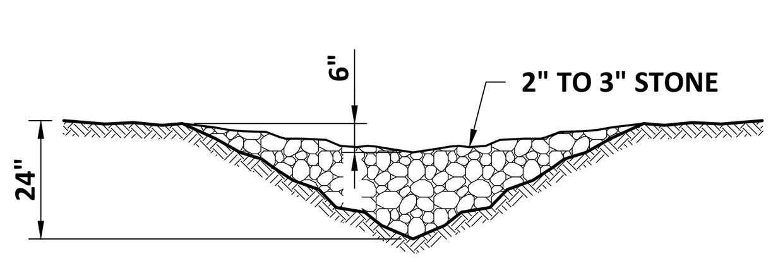
NOTE:
1. PROVIDE FOR DRAINAGE SWALES AS INDICATED ON GRADING & DRAINAGE PLAN. ADDITIONAL REQUIREMENTS MAY APPLY. SEE EROSION CONTROL - WINTER CONSTRUCTION NOTE 5 AS APPLICABLE.

EROSION CONTROL MATTING - DITCHES
SCALE: "NTS"



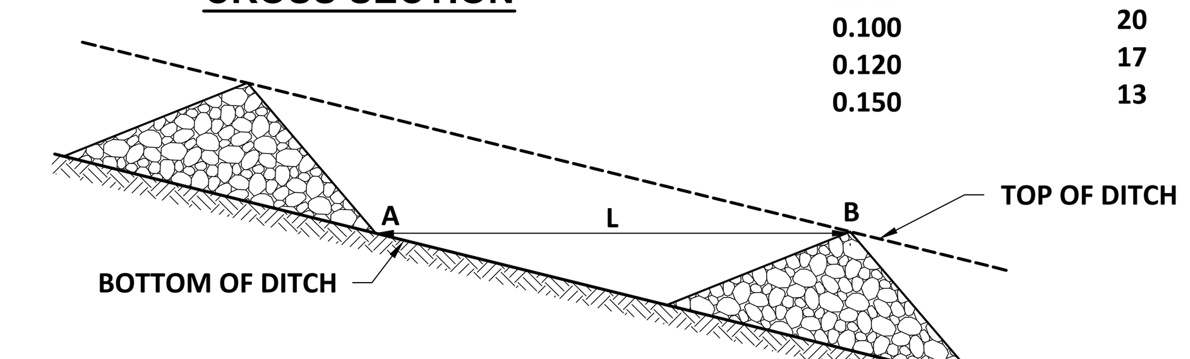
NOTE:
INSTALL ON SLOPES 3:1 OR GREATER

EROSION CONTROL MATTING - SLOPES
SCALE: "NTS"



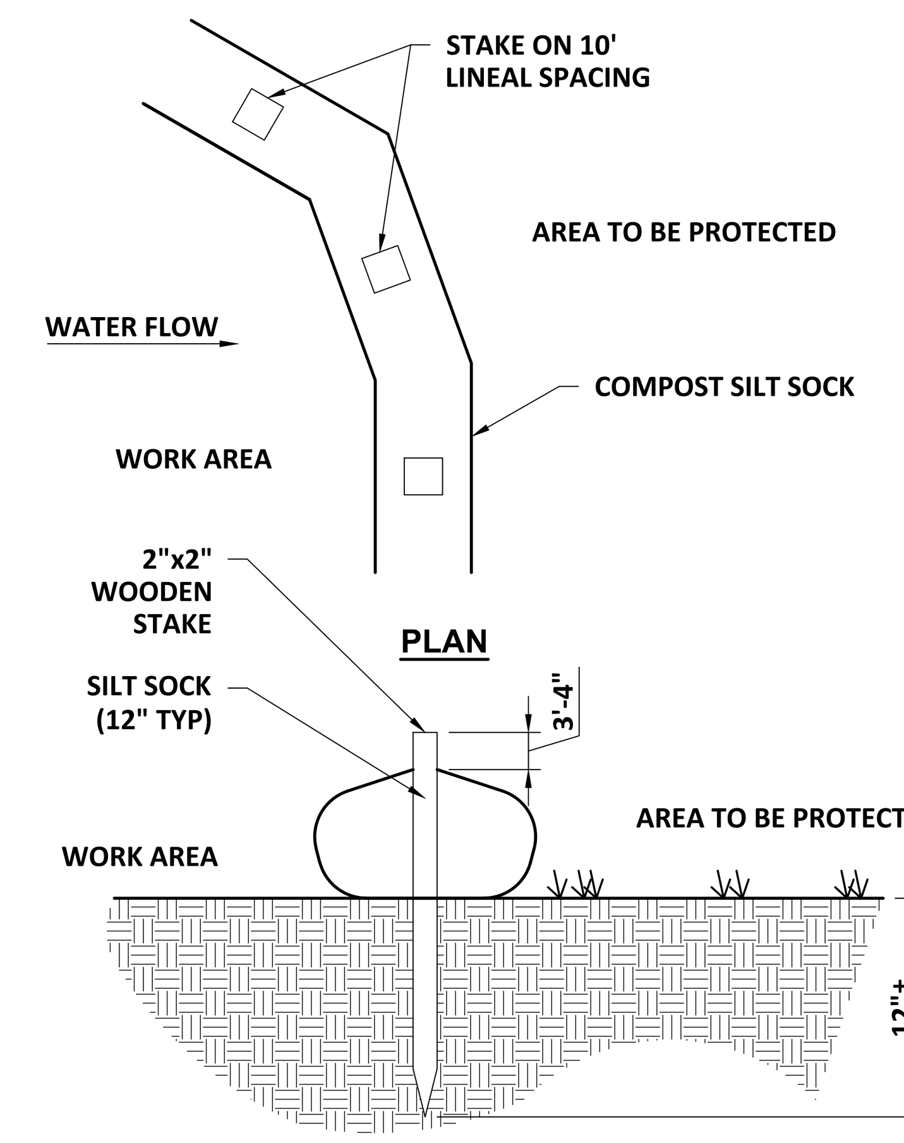
CROSS SECTION

DITCH SLOPE (FT/FT)	L (FT)
0.020	100
0.030	66
0.040	50
0.050	40
0.080	25
0.100	20
0.120	17
0.150	13



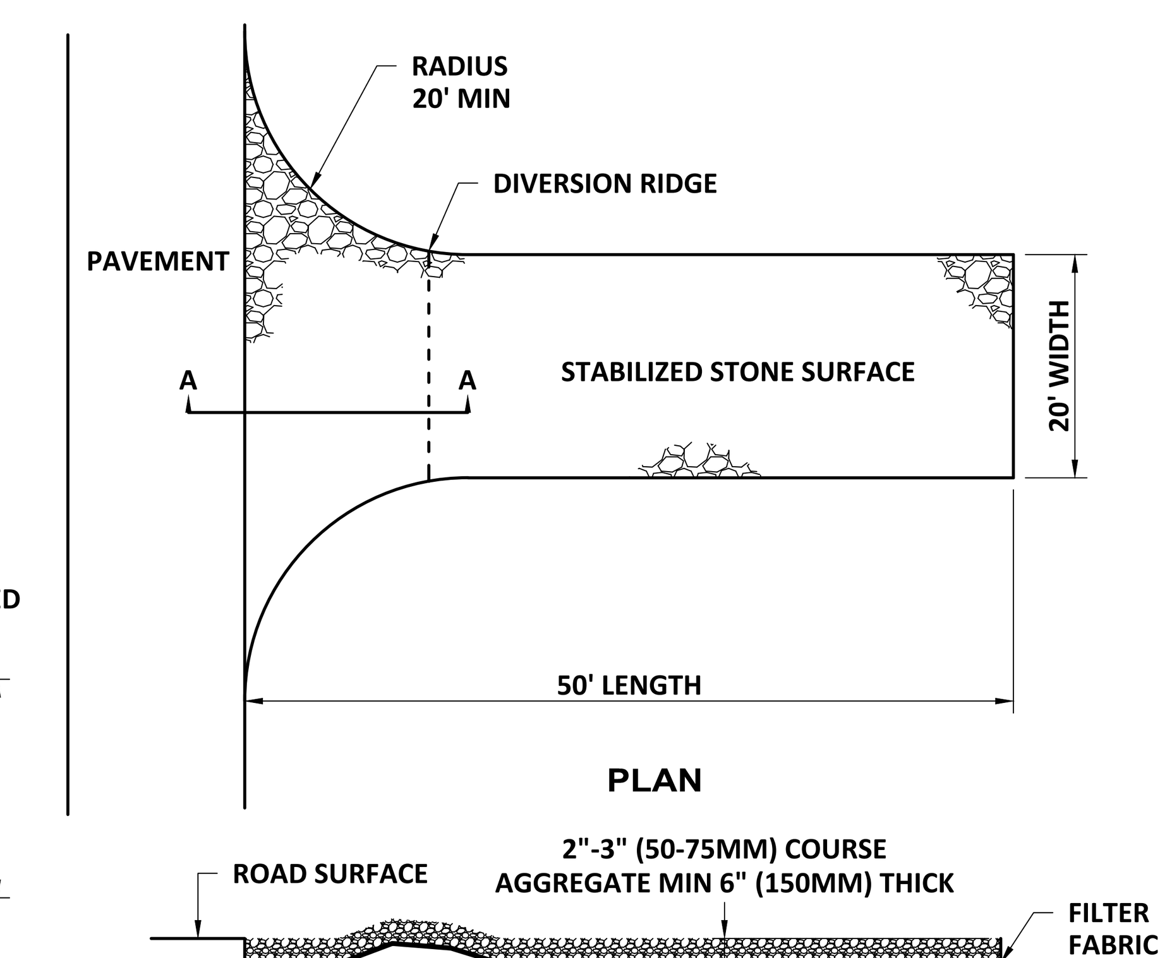
PROFILE

STONE CHECK DAM DETAIL
SCALE: NTS



NOTES:
1. ALL MATERIAL TO MEET SPECIFICATIONS
2. SILT SOCK COMPOST/SOIL/ROCK/SEED FILL TO MEET APPLICATION REQUIREMENTS
3. SILT SOCK DEPICTED IS FOR MINIMUM SLOPES. GREATER SLOPES MAY REQUIRE LARGER SOCKS PER THE ENGINEER
4. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

COMPOST SILT SOCK
SCALE: NTS



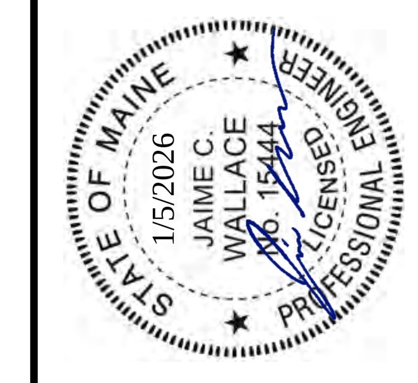
(TEMPORARY, TO BE REMOVED PRIOR TO FINAL SITE PAVING)

NOTE:
1. STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED DURING CONSTRUCTION AS REQUIRED TO PREVENT OFF-SITE TRACKING OF SEDIMENT. ANY SEDIMENT TRACKED OFF-SITE SHALL BE REMOVED AND DISPOSED OF IN A MANNER THAT SEDIMENTS DO NOT ENTER DOWN SLOPE WATER RESOURCES.

STABILIZED CONSTRUCTION ENTRANCE
SCALE: "NTS"

NO	REVISIONS	APP'D	DATE
1			
2			
3			
4			
5			

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 01-2026
APPROVED: J. WALLACE
DATE: 01-2026
SUBMISSION: CONTRACT DRAWINGS



WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

EROSION & SEDIMENTATION CONTROL NOTES AND DETAILS

DRAWING
C-5

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF OLD ORCHARD BEACH	) NATURAL RESOURCES PROTECTION ACT
Old Orchard Beach, Cumberland County	) COASTAL WETLAND ALTERATION
ROAD DRAINAGE IMPROVEMENTS	) WATER QUALITY CERTIFICATION
L-100332-0001 (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection (Department) has considered the application of TOWN OF OLD ORCHARD BEACH (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes a new 24-inch outfall storm drain within easements on private property to address flooding that takes place during significant rainfall events. A 15-inch storm drain is proposed starting from a new catch basin on Sandpiper Road, that will run underneath Seaside Avenue through a new drain manhole, then transition to a larger 24-inch storm drain, that will outlet to New Salt Road Marsh and Goosefare Brook. The drain manhole is proposed to allow future storm drain connections from adjacent roads. The drainage improvement system will begin at elevation 5 NAVD 88 and end at elevation 4 NAVD 88 with regrading above the outfall at a 3H:1V slope. The project will result in 63 square feet of direct impact below the Highest Astronomical Tide (HAsT) line, the limit of the coastal wetland, due to the riprap apron proposed below the outfall. The project is located in a back dune system. The project is shown on a plan prepared by Wright-Pierce, titled “Sandpiper Road Drainage Improvements” dated September 2025. The project site is located at the intersection of Sandpiper Road and Seaside Avenue, in the Town of Old Orchard Beach.

The applicant submitted a Permit by Rule Notification Form (PBR #0101389) pursuant to Chapter 305 Permit by Rule Standards Section 16 (06-096 Ch. 305, § 16, last amended June 8, 2012) for activities in a back dune system which was accepted by the Department on September 25, 2025.

B. Current Use of the Site: The project location is developed with two municipal road ways and an existing residential dwelling on Lot 1. The parcel is identified as Lot 7-1, owned by Earle and Lot 7-2 owned by Ocean Park Association on Map 324 of the Town of Old Orchard Beach’s tax maps.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings including an aerial photograph of the project site.

The proposed project is located in Goosefare Brook watershed that drains to the Atlantic Ocean which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. This area experiences mainly recreational marine use. The proposed project will be visible from the coastal resource but is consistent with existing land use in this densely developed neighborhood. To reduce the visibility of the riprap and the outfall pipe from the scenic resource, the outfall pipe was designed with a minimal slope and cover allowing it to daylight at a higher elevation reducing the need for more grading.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application and the visual impact rating, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the coastal wetland.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

The site will be accessed via Sandpiper Road, Seaside Avenue, and an access easement on Lot 7-1 and Lot 7-2. All materials and equipment will be stockpiled in the upland within an existing developed area. Following the installation of the erosion and sediment control BMPs, the contractor will excavate and install drainage pipe and appurtenant structures, backfill and restore the site by grading, installing riprap then loam, seed and paving. The catch basin and drain manhole will be precast concrete and the outfall storm drain will be high density polyethylene. Construction equipment will operate within the coastal wetland using timber

mats to avoid permanent impacts to salt marsh vegetation. No tree clearing is required to complete this project.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The project site is located on two residential properties and includes work to two municipal roadways in the upland. The existing lawn grades to a tidal marsh estuary and the subtidal is mud. Shellfish harvesting is not allowed in the project area. No shellfish or marine worm resources have been mapped in the project area. There are no eelgrass beds mapped in the subtidal waters nearby.

According to the Department's Geographic Information System (GIS) database there are no mapped Essential or Significant Wildlife Habitats located at the site.

In its review, the Department of Marine Resources (DMR) stated that the project as proposed would impact marine resources and habitat below HAsT. DMR agrees with the winter work window proposed by the applicant and the use of timber mats for any construction equipment operating on saltmarsh vegetation. No construction shall occur between May 1 and October 31 of any given year.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided no work occurs between May 1 and October 31 of any given year.

5. WATER QUALITY CONSIDERATIONS:

As discussed in Finding 3, the applicant proposes to use erosion and sediment control measures during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to directly alter 63 square feet of the coastal wetland to improve stormwater drainage with an outfall pipe and riprap apron that will alter the grade of the existing coastal resource. Coastal wetlands are wetlands of special significance.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended June 17, 2025), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable. Regrading and installing a riprap apron for bank stability is among the activities specifically provided for in Chapter 310, § 5(A)(1)(h).

The applicant submitted an alternatives analysis for the proposed project completed by Wright-Pierce. The purpose of the project is to provide storm drainage improvements, reduce flooding, and provide safe roadway access for the residents of Sandpiper Road. The no-action alternative was rejected because it would allow flooding during rainfall events, cutting off roadway access for the residents of Sandpiper Road, to continue. The applicant considered installing the outfall drain and stabilizing the area around the outfall with excavated material from the trench. However, the excavated material would not provide sufficient stabilization to the bank around the outfall drain increasing the risk of scour, therefore this alternative was rejected. Based on the proposed project, the applicant has determined that there is no other practicable alternative to the proposed project that meets the project purpose and avoids impacts to the coastal wetland.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant minimized the impacts to the coastal wetland by designing the outfall drain with minimal grading and riprap protection, and by installing the adequate size and location for this storm drain to eliminate the need for future outfalls in the coastal wetland.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. This project will not result in over 500 square feet of fill in the resource, which is the threshold over which compensation is generally required. Further, the proposed project will not have an adverse impact on marine resources or wildlife habitat as determined by the Department. For these reasons, the Department determined that compensation is not required.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

B. The proposed activity will not cause unreasonable erosion of soil or sediment.

D. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

E. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided no work occurs between May 1 and October 31 of any given year.

F. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.

G. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.

H. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

I. The proposed activity is not on or adjacent to a sand dune.

J. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of TOWN OF OLD ORCHARD BEACH to improve stormwater drainage on two municipal roads as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.

2. The applicant shall take all necessary measures to ensure that their activities or those of their agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.

3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. No construction shall occur between May 1 and October 31 of any given year.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 30th DAY OF December, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

OYM/L-100332-0001

Natural Resources Protection Act (NRPA)

Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.

D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.

E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.

F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.

G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.

H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised September 2016

DEP INFORMATION SHEET

Appeals to the Board of Environmental Protection

Date: November 2024 Contact: Clerk.BEP@maine.gov or (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of: (1) a final license decision made by the Commissioner of the Department of Environmental Protection ("DEP"); or (2) an insurance claim-related decision ("Clean-up and Response Fund decision") made by the Commissioner or the Office of State Fire Marshal pursuant to 38 M.R.S. § 568-A.

Except as explained below, there are two methods available to an aggrieved person seeking to appeal a license decision made by the Commissioner or a Clean-up and Response Fund decision: (1) an administrative appeal before the Board of Environmental Protection ("Board"); or (2) a judicial appeal before Maine's Superior Court. An aggrieved person seeking review of a license decision or Clean-up and Response Fund decision made by the Board may seek judicial review in Maine's Superior Court.

An appeal of a license decision made by the DEP Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)), a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)), or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review the applicable rules and statutes, including the DEP's Chapter 2 rule, *Processing of Applications and Other Administrative Matters* (06-096 C.M.R. ch. 2); Organization and Powers, 38 M.R.S. §§ 341-D(4) and 346; and the Maine Administrative Procedure Act, 5 M.R.S. § 11001.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Within 30 calendar days of the date of: (1) a final license decision of the Commissioner; or (2) a Clean-up and Response Fund decision, an aggrieved person may appeal to the Board for review of that decision. "Aggrieved person" means any person whom the Board determines may suffer a particularized injury as a result of a Commissioner's license decision or a Clean-up and Response Fund decision. A complete appeal must be received by the Board no later than 5:00 p.m. on the 30th calendar day of the decision being appealed. With limited exception, untimely appeals will be dismissed.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail (e-mail) and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
Clerk.BEP@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee, if the appellant is not the licensee; and (3) if a hearing was held on the application, any intervenors in that hearing proceeding. For appeals of Clean-up and Response Fund decisions made by the State Fire Marshal, the appellant must also send a copy of the appeal to the State Fire Marshal. **Please contact the Board Clerk at clerk.bep@maine.gov or DEP staff at 207-287-7688 with questions or for contact information regarding a specific license or Clean-up and Response Fund decision.**

REQUIRED APPEAL CONTENTS

A written appeal must contain the information specified in Chapter 2, section 23(B) or section 24(B), as applicable, at the time the appeal is submitted. **Please carefully review these sections of Chapter 2**, which is available online at https://www.maine.gov/sos/cec/rules/06/chaps06.htm, or contact the Board Clerk to obtain a copy of the rule. Failure to comply with the content of appeal requirements may result in the appeal being dismissed pursuant to Chapter 2, section 23(C) or section 24(C).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with the administrative record.* Generally, the record on which the Board decides an appeal is limited to the record prepared by the agency in its review of the application, any supplemental evidence admitted to the record by the Board Chair and, if a hearing is held on the appeal, additional evidence admitted during the hearing. A person who seeks to appeal a decision to the Board is encouraged to contact the DEP (or State Fire Marshal for Clean-up and Response Fund decisions made by that agency) to inspect the record before filing an appeal.

2. *Be familiar with the applicable rules and laws.* An appellant is required to identify the licensing criterion or standard the appellant believes was not satisfied in issuing the decision, the bases of the objections or challenges, and the remedy sought. Prior to filing an appeal, review the decision being appealed to identify the rules and laws that are applicable to the decision. An appellant may contact the DEP or Board staff with any questions regarding the applicable rules and laws or the appeal procedure generally.

3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a separate stay of the decision is requested and granted (*see* Chapter 2, section 23(M)), the licensee may proceed with an approved project pending the outcome of the appeal. Any activity initiated in accordance with the approved license during the pendency of the appeal comes with the risk of not knowing the outcome of the appeal, including the possibility that the decision may be reversed or modified by the Board.

4. *Alternative dispute resolution.* If the appeal participants agree to use mediation or another form of alternative dispute resolution ("ADR") to resolve the appeal and so notify the Board, the Board will not hear the matter until the conclusion of that effort, provided the participants engaged in the alternative dispute resolution demonstrate satisfactory progress toward resolving the issues. *See* Chapter 2, section 23(H) or contact the Board Executive Analyst (contact information below) for more information on the ADR provision.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of each appeal and develop a service list of appeal participants and any interested persons for use in the appeal proceeding. Electronic mail (e-mail) is the preferred method of communication during an appeal proceeding; however, the Board reserves the right to require paper copies of all filings. Once the Board Chair rules on the admissibility of all proposed supplemental evidence, the licensee (if the licensee is not the appellant) may respond to the merits of the appeal. Instructions specific to each appeal will be provided in correspondence from the Board Executive Analyst or Board Chair. Generally, once all filings in an appeal proceeding are complete, the DEP staff will assemble a packet of materials for the Board (Board packet), including a staff recommendation in the form of a proposed Board Order. Once available, appeal participants will receive a copy of the Board packet and an agenda with the meeting location and start time. Once finalized, the meeting agenda will be posted on the Board's webpage https://www.maine.gov/dep/bep/index.html. Appeals will be considered based on the administrative record on appeal and oral argument at a regular meeting of the Board. *See* Chapter 2, Section 23(I). The Board may affirm all or part of the decision under appeal; affirm all or part of the decision under appeal with modifications, or new or additional conditions; order a hearing to be held as expeditiously as possible; reverse the decision under appeal; or remand the decision to the Commissioner or State Fire Marshal, as applicable, for further proceedings.

II. JUDICIAL APPEALS

The filing of an appeal with the Board is not a prerequisite for the filing of a judicial appeal. Maine law generally allows aggrieved persons to appeal final license decisions to Maine's Superior Court (*see* 38 M.R.S. § 346(1); Chapter 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A judicial appeal by a party to the underlying proceeding must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other aggrieved person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. *See* 38 M.R.S. § 346(4), the Maine Administrative Procedure Act, statutes governing a particular license decision, and the Maine Rules of Civil Procedure for substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal procedure, for administrative appeals contact the Board Clerk at clerk.bep@maine.gov or 207-287-2811 or the Board Executive Analyst at bill.hinkel@maine.gov or 207-314-1458, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and rule provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal, and to comply with notice requirements of the Maine Administrative Procedure Act, 5 M.R.S. § 9061. This information sheet is not intended to supplant the parties' obligations to review and comply with all statutes and rules applicable to an appeal and insofar as there is any inconsistency between the information in this document and the applicable statutes and rules, the relevant statutes and rules apply.

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

November 6, 2025

Regulatory Division
New England District
Maine Section
NAE-2025-00098 (RGP-PMS)

Diana Asanza
Town of Old Orchard Beach
1 Portland Avenue
Old Orchard Beach, ME 04064
Via Email: dasanza@oobmaine.com

Dear Ms. Asanza:

The U.S. Army Corps of Engineers (Corps) has reviewed your application for a Department of the Army permit for the installation of a new 24-inch stormwater outfall and the associated discharge of riprap to stabilize a slope in tidal wetlands adjacent to the New Salt Road Marsh/Goosefare Brook in Old Orchard Beach, Maine, as shown on the enclosed plans dated September 2025.

Based on the information you have provided, we verify that the activity is authorized under Regional General Permit No. 7 of the October 31, 2025, federal permit known as the Maine 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. You must maintain the activity herein in good condition and in conformance with the terms and conditions of this authorization. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with a general condition of these GPs. Should you wish to cease to maintain the authorized activities, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

4. All construction shall be completed in accordance with the enclosed revised plan drawings, titled “Sandpiper Road Drainage Improvements,” on seven sheets dated September 2025. If you change the plans or construction methods for work within or adjacent to the New Salt Road Marsh/Goosefare Brook, please contact us immediately to discuss modification of this authorization. USACE must approve any changes before you undertake them.

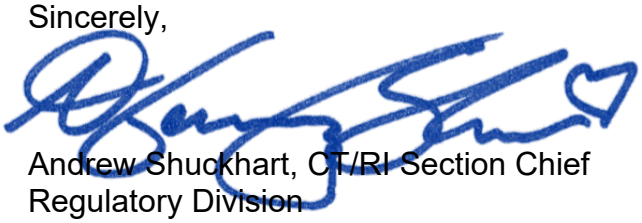
5. With the presence of essential fish habitat, complete the construction activities and stream controls will not encroach greater than 50 percent in the tidal stream during the work window (September 1 through March 31) and will be removed at the conclusion of the work prior to March 31.

This verification is valid until October 31, 2030. You must commence or be under contract to commence the work authorized herein by October 31, 2030, and complete the work by October 31, 2031. 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.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Paul Silva, Project Manager at 978-793-3908, or by email at paul.silva@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,



Andrew Shuckhart, CT/RI Section Chief
Regulatory Division

Enclosures (Work Start Form, Compliance Certification, Plans, Maine General Conditions)

Cc (w/enclosures):
Brooke Springer, Wright-Pierce; brooke.springer@wright-pierce.com
U.S. EPA, Region 1, Boston, MA; R1_CWA404_REG@epa.gov
Maine DEP; LandOnCall@maine.gov

Work-Start Notification Form

File Number: NAE-2025-00098 **State: Maine** **County: York**

Permittee: Diana Asanza, Town of Old Orchard Beach
Date Verification Issued: November 6, 2025
Project Manager: Paul Silva

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: Paul Silva
696 Virginia Road
Concord, MA 01742
or
paul.silva@usace.army.mil
978-793-3908

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**

U.S. Army Corps of Engineers (USACE)

CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

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.

Form Approved - OMB No. 0710-0003 Expires 2027-10-31

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 paul.silva@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-2025-00098

Permit Type: General Permit

General Permit Number and Name (*if applicable*): Regional General Permit (RGP) No. 7, Outfall Structures and Associated Intake Structures

Name of Permittee: Diana Asanza, Town of Old Orchard Beach

Project Name: Sandpiper Road Drainage Improvements

Project Location (*physical address*): Intersection of Sandpiper Road and Seaside Avenue in New Salt Road Marsh/Goosefare Brook
Old Orchard Beach, Maine

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

Project Location Map
Old Orchard Beach, ME

PROJ NO:	DATE:
22021	1/6/2025

WRIGHT-PIERCE
Engineering a Better Environment

FIGURE: 1

JDM \\wpqn\wpmfs\gis\GIS_Development\Projects\ME\OldOrchardBeach\22021_SandpiperRdDrainage\MXDs\Figuress-22021.aprx - Figure1-USGSTopo-8x11

Tax Map

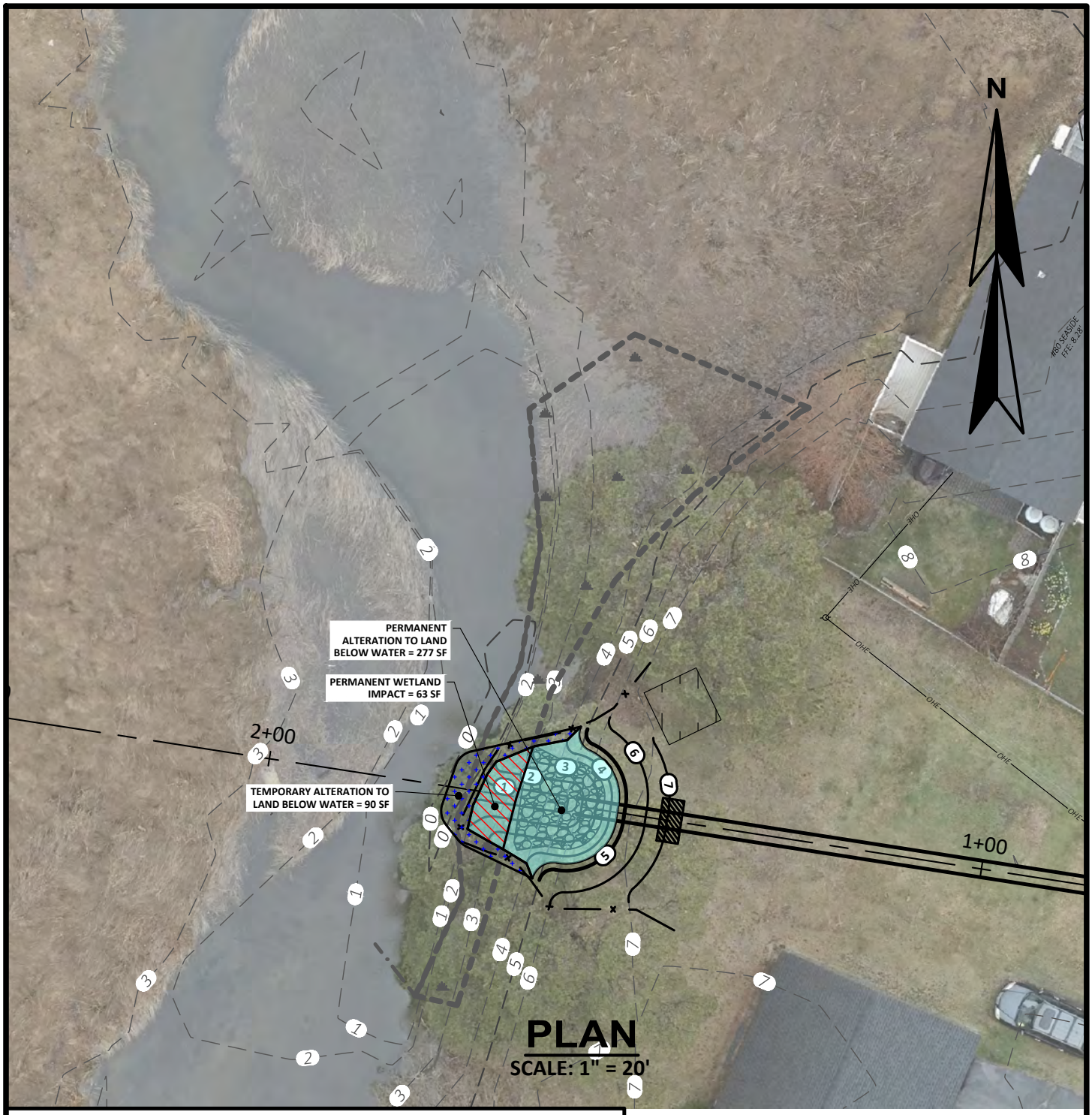
Old Orchard Beach, ME

PROJ NO:	DATE:
22021	1/6/2025

WRIGHT-PIERCE
Engineering a Better Environment

FIGURE: 2

JDM \\wpqn\wpmfs\gis\GIS_Development\Projects\ME\OldOrchardBeach\22021_SandpiperRdDrainage\MXDs\Figuress-22021.aprx - Figure2-TaxMap-8x11



PLAN

SCALE: 1" = 20'

RESOURCE IMPACTS TABLE		
TEMPORARY ALTERATION TO LAND BELOW WATER		90 SF
PERMANENT ALTERATION TO LAND BELOW WATER		277 SF
PERMANENT WETLAND IMPACT		63 SF

0 20 40

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

NO.	REVISIONS
1	

DRAWN BY: M.VACHON	DATE: SEPTEMBER 2025	PROJ NO: 22021
APPROVED BY: B.SPRINGER	REFERENCE DWG: 22021-BASE	FIGURE: 1

WRIGHT-PIERCE

WETLAND IMPACTS

J:\ENG\ME\OOB\22021-SANDPIPERRDDRAINAGE_DRAWINGS\CIV\FIGURE\22021-CS-WETFIGURE.DWG

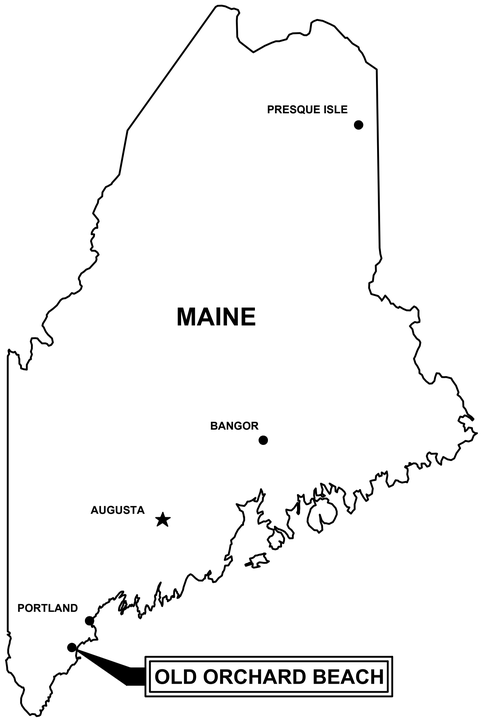
TOWN OF OLD ORCHARD BEACH, MAINE

REVIEW DRAWINGS FOR

SANDPIPER ROAD
DRAINAGE IMPROVEMENTS

SEPTEMBER 2025

FOR PERMITTING REVIEW



DRAWING INDEX

LOCATION PLAN

STATE OF MAINE
9/3/2025
JAIME C. WALLACE
No. 15444
LICENSED PROFESSIONAL ENGINEER

WP PROJECT # 22021

GENERAL NOTES

1. THE OWNER WILL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BE FAMILIAR WITH THE APPLICABLE PROVISIONS OF EACH PERMIT AS THEY APPLY TO THE WORK PRIOR TO BIDDING AND ABIDE BY THOSE PROVISIONS DURING CONSTRUCTION. COPIES OF ALL OBTAINED PERMITS ARE AVAILABLE FOR REVIEW FROM THE OWNER.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RIGHTS OF WAY AND EASEMENTS. THE CONTRACTOR SHALL VERIFY THAT THE NECESSARY EASEMENTS HAVE BEEN SECURED BY THE OWNER. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BE FAMILIAR WITH THE APPLICABLE PROVISIONS OF EACH EASEMENT AS THEY APPLY TO THE WORK PRIOR TO BIDDING AND ABIDE BY THOSE PROVISIONS DURING CONSTRUCTION . COPIES OF ALL RIGHTSOFWAY AND EASEMENTS ARE AVAILABLE FOR REVIEW FROM THE OWNER.

3. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW AT ALL TIMES. CONTRACTOR SHALL INSTALL AND MAINTAIN TRAFFIC CONTROL SIGNS IN ACCORDANCE WITH THE MUTCD AND ALL STATE AND LOCAL REGULATIONS. THE CONTRACTOR IS REQUIRED TO SUBMIT A TRAFFIC CONTROL PLAN TO THE OWNER PRIOR TO COMMENCING CONSTRUCTION. THE POLICE DEPARTMENT, FIRE DEPARTMENT AND SCHOOL DEPARTMENT ARE TO BE NOTIFIED AT LEAST 24-HOURS IN ADVANCE OF ANY STREET CLOSING OR DETOUR.

4. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

5. CONTRACTOR SHALL NOTE THAT, IN GENERAL, ALL EXISTING CONDITION INFORMATION ON THE DRAWINGS ARE SHOWN WITH A LIGHTER LINE WEIGHT AND WITH A SLANTED TYPE TEXT.

6. ALL EXISTING SEWER AND STORM DRAIN LINES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE. ANY EXISTING SEWERS, STORM DRAIN LINES OR CULVERTS DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER, EXCEPT WHEN IN DIRECT CONFLICT WITH THE NEW SEWER OR WHEN NOT SHOWN OR INDICATED.

7. ALL STRUCTURES AND PIPELINES LOCATED ADJACENT TO TRENCH EXCAVATION SHALL BE PROTECTED AND FIRMLY SUPPORTED BY THE CONTRACTOR UNTIL THE TRENCH IS BACKFILLED. INJURY TO ANY SUCH STRUCTURES CAUSED BY OR RESULTING FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE . ALL UTILITIES REQUIRING REPAIR, RELOCATION OR ADJUSTMENT AS A RESULT OF THE PROJECT SHALL BE COORDINATED THROUGH THE RESPECTIVE UTILITY.

8. IN THOSE INSTANCES WHERE POWER OR TELEPHONE POLE SUPPORT IS REQUIRED, THE CONTRACTOR SHALL PROVIDE A MINIMUM 48-HOUR NOTICE TO THE RESPECTIVE UTILITY POLE OWNER. NO ADDITIONAL PAYMENT WILL BE PROVIDED FOR TEMPORARY BRACING OF UTILITIES.

9. ALL TEST PITS SHALL BE EXCAVATED PRIOR TO CONSTRUCTION LAYOUT AND RESULTS REPORTED TO THE ENGINEER FOR REVIEW FOR CONFORMANCE WITH THE PLANS. TESTS PITS ARE REQUIRED WHERE SHOWN ON THE DRAWINGS AND AS DIRECTED BY THE ENGINEER. THE RESULTS OF TEST PITS DUG TO DETERMINE EXISTING UTILITY ELEVATIONS AND LOCATIONS WILL BE REPORTED TO THE ENGINEER AT LEAST 10 CALENDAR DAYS PRIOR TO ANY WORK. ADJUSTMENTS TO INVERTS, LENGTHS, AND SLOPES OF PROPOSED STORM DRAIN MAY BE REQUIRED AS DIRECTED BY THE ENGINEER. THE HORIZONTAL ALIGNMENT OF THE NEW STORM DRAIN MAY BE ADJUSTED IN THE FIELD SUBJECT TO PRIOR APPROVAL OF THE ENGINEER. RELOCATIONS OF EXISTING WATER MAIN MAY BE REQUIRED AS DIRECTED BY THE ENGINEERG AND COORDINATED WITH MAINE WATER COMPANY.

10. INITIAL PAVING SHALL BE CONDUCTED WITHIN TWO WEEKS OF COMPLETION OF PLACEMENT OF FINAL BACKFILL UNLESS OTHERWISE AUTHORIZED BY ENGINEER. INITIAL PAVEMENT SHALL BE INSTALLED AND MAINTAINED BY CONTRACTOR FOR A MINIMUM PERIOD OF TWO MONTHS BEFORE FINAL PAVEMENT IS PLACED. FINAL PAVEMENT MAY BE PLACED OVER THE INITIAL PAVING PROVIDED INITIAL PAVING COURSE IS IN GOOD REPAIR. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND SHIMMING THE INITIAL PAVEMENT AS NECESSARY TO ACCEPT THE FINAL PAVING COURSE. IF CONDITIONS WARRANT, THE CONTRACTOR MAY BE REQUIRED TO REMOVE AND REPLACE INITIAL PAVING PRIOR TO FINAL PAVING.

11. CONTRACTOR SHALL BE PROHIBITED TO WORK ON SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS. ALL WORK ON WEEKDAYS SHALL BE PERFORMED BETWEEN THE HOURS OF 7 A.M. AND 5 P.M. THE CONTRACTOR SHALL REQUEST PERMISSION TO WORK OUTSIDE THE WORK HOURS SPECIFIED ABOVE AT LEAST 72-HOURS IN ADVANCE OF THE PROPOSED WORK. THE CONTRACTOR SHALL NOT COMMENCE WORK OUTSIDE OF THE WORK HOURS SPECIFIED ABOVE UNLESS OR UNTIL GRANTED SUCH PERMISSION FROM THE OWNER AND ENGINEER.
12. CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR SECURITY OF ALL OF THEIR, AND THEIR SUBCONTRACTORS, MATERIALS AND EQUIPMENT STORED ON THE SITE.

13. IF DIRECTED BY THE OWNER, CONTRACTOR SHALL MOVE ANY STORED ITEMS WHICH INTERFERE WITH OPERATIONS OF OWNER.

EXISTING SITE CONDITIONS

1. THE LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES, AS SHOWN ON THE DRAWINGS, ARE APPROXIMATE AND MAY NOT BE COMPLETE. NO GUARANTEE IS MADE THAT UTILITIES OR STRUCTURES WILL BE ENCOUNTERED WHERE SHOWN, OR THAT ALL UNDERGROUND UTILITIES AND STRUCTURES ARE SHOWN. ALL LOCATIONS AND SIZES OF EXISTING UTILITIES AND STRUCTURES SHALL BE VERIFIED IN THE FIELD WITH TEST PITS AS REQUIRED PRIOR TO BEGINNING CONSTRUCTION OF NEW FACILITIES OR PIPING THAT MAY BE AFFECTED. THE CONTRACTOR WILL REALIGN NEW PIPE LOCATIONS AS REQUIRED TO CONFORM TO EXISTING LINES AND AS APPROVED BY THE ENGINEER.

2. BELOW GRADE UTILITY INFORMATION IS BASED ON INFORMATION PROVIDED BY EACH UTILITY. LOCATION OF PUBLIC UTILITIES SHOWN IS ONLY APPROXIMATE AND MAY NOT BE COMPLETE. PRIVATE UNDERGROUND UTILITIES SUCH AS, BUT NOT LIMITED TO, SEWER LINES, WATER LINES AND BURIED ELECTRICAL SERVICE ENTRANCES ARE NOT SHOWN. THE CONTRACTOR SHALL ASCERTAIN THE LOCATION AND SIZE OF EXISTING UTILITIES IN THE FIELD WITH THE RESPECTIVE UTILITY COMPANY REPRESENTATIVE PRIOR TO COMMENCING WORK. ADDITIONAL TEST PITS, BEYOND THOSE SHOWN, MAY BE REQUIRED. UTILITY CONTACTS ARE AS FOLLOWS

ELECTRIC
CENTRAL MAINE POWER
KEVIN HALL
57 OLD WINTHROP ROAD
AUGUSTA, ME 04330
TEL. (443) 867-0362

TELEPHONE
CONSOLIDATED COMMUNICATIONS (FAIRPOINT)
KEITH LAWRENCE
5 DAVIS FARM ROAD
PORTLAND, ME 04013
TEL. (207) 210-2347
KEITH.LAWRENCE@CONSOLIDATED.COM

CABLE
CHARTER (SPECTRUM/TIME WARNER)
DAN MINCHEV
118 JOHNSON ROAD
PORTLAND, ME 04102
TEL. (207) 831-8989
DAN.MINCHEV@CHARTER.COM

WATER
MAINE WATER COMPANY
MARCUS KNIPP
93 INDUSTRIAL PARK ROAD
SACO, ME 04072
TEL. (800) 287-1643
MARCUS.KNIPP@MAINEWATER.COM

SEWER AND STORM DRAIN
TOWN OF OLD ORCHARD BEACH
DEPARTMENT OF PUBLIC WORKS
DAVID PINKHAM
103 SMITHWHEEL ROAD
OLD ORCHARD BEACH, ME 04068
TEL. (207) 710-6987
DPINKHAM@OOBMAINE.COM

DIG-SAFE
TEL. (888)-344-7233

3. THERE ARE NO KNOWN HAZARDOUS ENVIRONMENTAL CONDITIONS WITHIN THE AREA OF WORK. IF THE PRESENCE OF HAZARDOUS ENVIRONMENTAL CONDITIONS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER IMMEDIATELY. ALL ACTIVITIES, HANDLING AND DISPOSAL OF HAZARDOUS ENVIRONMENTAL CONDITIONS AND MATERIALS SHALL BE IN ACCORDANCE WITH OSHA, FEDERAL, STATE, AND LOCAL REGULATIONS.

SITE DEMOLITION

1. REFER TO THE PLAN, FOR ADDITIONAL INFORMATION REGARDING EXISTING FACILITIES AND LIMITS OF WORK.

2. DEMOLISH/REMOVE EXISTING PIPING AS REQUIRED FOR CONSTRUCTION OF NEW FACILITIES. ALL PIPING, EQUIPMENT AND MATERIALS TO BE DEMOLISHED AND/OR REMOVED FROM SERVICE SHALL BE COORDINATED WITH THE OWNER AND ENGINEER BEFORE COMMENCING THAT WORK. EXISTING PIPING THAT NEEDS TO BE REMOVED TO CONSTRUCT THE NEW FACILITIES, BUT IS TO REMAIN, SHALL BE REINSTALLED/REPLACED AS NEEDED. EXISTING PIPES AND CONDUIT DESIGNATED AS "ABANDONED" MAY BE REMOVED IF THE CONTRACTOR SO CHOOSES. IF ABANDONED PIPE CONFLICTS WITH NEW SITE PIPING OR FACILITIES, THEN A PORTION OF THE ABANDONED PIPE SHALL BE REMOVED, AND THE NEW ENDS OF ABANDONED PIPE CAPPED OR PLUGGED WITH CONCRETE.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND DISPOSING OF ALL DEMOLISHED PIPING, EQUIPMENT AND MATERIALS. DISPOSAL SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. THE OWNER RESERVES THE RIGHT TO RETAIN ANY SUCH PIPING, EQUIPMENT AND MATERIALS DESIGNATED FOR DEMOLITION. SUCH MATERIALS TO BE RETAINED SHALL BE PROPERLY STORED IN AN ON-SITE LOCATION. COORDINATE LOCATION AND MATERIALS TO BE SALVAGED WITH THE OWNER/ENGINEER.

4. THE CONTRACTOR SHALL KEEP A RECORD OF DEMOLITION AS PART OF THE PROJECT RECORD DOCUMENTS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE APPROPRIATE DISPOSAL OF FLOWS RESULTING FROM PRECIPITATION AND GROUNDWATER DEWATERING OPERATIONS.

SITE CLEARING, GRUBBING AND GRADING

1. CONTRACTOR SHALL MINIMIZE CLEARING OPERATIONS. CLEARING LIMITS SHALL BE AS INDICATED ON THE DRAWINGS, BUT AT ALL TIMES WITHIN EXISTING ROAD RIGHTSOFWAY AND PROPERTY LINES ON STATE OR COUNTYOWNED PROPERTY OR EASEMENTS. ALL CLEARING AND GRUBBING MATERIAL SHALL BE THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF AT A SITE PROVIDED BY THE CONTRACTOR IN COMPLIANCE WITH ALL STATE AND LOCAL LAWS.

2. THE CONTRACTOR SHALL FOLLOW ALL ENDANGERED SPECIES ACT 4(D) RULES REGARDING THE NORTHERN LONG EARED BAT AND TRI-COLORED BAT. CONTRACTOR SHALL PLAN ACCORDINGLY.

3. CONTRACTOR SHALL PROVIDE PROPER EROSION CONTROL AND DRAINAGE MEASURES IN ALL AREAS OF WORK, AND CONFINE SOIL SEDIMENT TO WITHIN THE LIMITS OF EXCAVATION AND GRADING. PRIOR TO BEGINNING EXCAVATION WORK, EROSION CONTROL FENCE SHALL BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE ACTUAL LIMITS OF GRUBBING AND/OR GRADING, AND AS SHOWN ON THE DRAWINGS. EROSION CONTROL MEASURES SHOWN ON THE DRAWINGS ARE A MINIMUM, CONTRACTOR SHALL TAKE ALL OTHER NECESSARY MEASURES. EROSION CONTROL FENCE SHALL ALSO BE INSTALLED AT THE DOWN GRADIENT PERIMETER OF THE TOPSOIL STOCKPILES. ALL DISTURBED EARTH SURFACES SHALL BE STABILIZED IN THE SHORTEST PRACTICAL TIME AND TEMPORARY EROSION CONTROL DEVICES SHALL BE EMPLOYED UNTIL SUCH TIME AS ADEQUATE SOIL STABILIZATION HAS BEEN ACHIEVED. TEMPORARY STORAGE OF EXCAVATED MATERIAL SHALL BE STABILIZED IN A MANINER THAT WILL MINIMIZE EROSION. ALL INSTALLED EROSION CONTROL FACILITIES SHALL BE REMOVED AT THE END OF THE PROJECT.

4. ALL STORM DRAINAGE INLETS SHALL BE PROTECTED BY HAY BALE FILTERS TO PREVENT ENTRY OF SEDIMENT FROM RUNOFF WATERS DURING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL COLLECTED SEDIMENT, AND THAT WHICH COLLECTS IN THE STORM DRAIN SYSTEM. REFER TO THE CIVIL DETAIL DRAWINGS.

5. CONTRACTOR SHALL CONTROL DUST ON THE CONSTRUCTION SITE TO A REASONABLE LIMIT, AS DETERMINED BY THE ENGINEER.

6. CONTRACTOR SHALL NOT TRACK OR SPILL EARTH, DEBRIS OR OTHER CONSTRUCTION MATERIAL ON PUBLIC OR PRIVATE STREETS AND PLANT DRIVES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE ASSOCIATED CLEAN UP.

7. ALL CATCH BASINS, MANHOLES, VALVE PITS, VALVE BOXES AND OTHER BURIED FACILITIES WITH SURFACE ACCESS SHALL BE ADJUSTED TO MATCH FINAL GRADES, UNLESS OTHERWISE INDICATED.

8. THE CONTRACTOR SHALL NOT HAVE ANY RIGHT OF PROPERTY IN ANY MATERIALS TAKEN FROM ANY EXCAVATION. SUITABLE EXCAVATED MATERIAL MAY BE INCORPORATED IN THE PROJECT, WITH EXCESS MATERIAL DISPOSED OF AT A LOCATION PROVIDED BY THE CONTRACTOR. THESE PROVISIONS SHALL IN NO WAY RELIEVE THE CONTRACTOR OF OBLIGATIONS TO PROPERLY DISPOSE OF AND REPLACE ANY MATERIAL DETERMINED BY THE ENGINEER TO BE UNSUITABLE FOR BACKFILLING. THE CONTRACTOR SHALL DISPOSE OF UNSUITABLE AND EXCESS MATERIAL IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE CONTRACT DOCUMENTS.

9. CONTRACTOR SHALL REMOVE AND REPLACE, OR REPAIR, ALL CURBS, SIDEWALKS, PAVEMENT AND OTHER ITEMS DAMAGED BY CONSTRUCTION ACTIVITIES TO AT LEAST THEIR ORIGINAL CONDITION, TO THE SATISFACTION OF THE OWNER AND ENGINEER.

10. ALL NON-ROADWAY AREAS THAT ARE EXCAVATED, FILLED, OR OTHERWISE DISTURBED BY THE CONTRACTOR SHALL BE LOAMED, GRADED, LIMED, FERTILIZED, SEEDED AND MULCHED, UNLESS OTHERWISE NOTED. THE TOP 4-INCHES OF SOIL SHALL BE LOAM. SEED SHALL CONFORM TO MAINE DOT STANDAARD SPECIFICATION 717.03 METHOD #2 - ROADSIDE MIXTURE.

CIVIL SITE LAYOUT

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THIS PROVIDED LAYOUT INFORMATION THROUGHOUT THE COURSE OF CONSTRUCTION. REPORT ANY LAYOUT DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

2. REFER TO THE PLAN AND PROFILE DRAWING FOR ADDITIONAL LAYOUT INFORMATION.

3. THE LOCATIONS AND LIMITS OF ALL ON-SITE WORK AND STORAGE AREAS SHALL BE REVIEWED/COORDINATED WITH, AND ACCEPTABLE TO, THE OWNER AND ENGINEER. THE CONTRACTOR SHALL LIMIT ACTIVITIES TO THESE AREAS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-ESTABLISHING AND RESETTING ALL EXISTING PROPERTY MONUMENTATION DISTURBED BY CONSTRUCTION. THIS WORK SHALL BE DONE BY A LAND SURVEYOR REGISTERED IN THE STATE OF MAINE, AT NO ADDITIONAL COST TO THE OWNER.

5. WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DISTANCES FROM THE DRAWINGS. REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER.

6. PLAN REFERENCE PREPARED BY: DOW & COULOMBE, INC. TITLED: PLAN SHOWING A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY MADE FOR THE TOWN OF OLD ORCHARD BEACH C/O DIANA ASANZA, TOWN MANAGER (MAILING ADDRESS: 1 PORTLAND AVE. OLD ORCHARD BEACH, ME 04064) PARCEL LOCATED BETWEEN 80 AND 84 SEASIDE AVENUE OLD ORCHARD BEACH, MAINE. DATED: FEBRUARY 24, 2025, SCALE: 1" = 10', DRAWN BY: JMS, CHK'D BY: PDD, APPV'D BY: MJC, SHEET 1 OF 1.

7. EXISTING TOPOGRAPHICAL INFORMATION SHOWN IS BASED ON AN AERIAL SURVEY PERFORMED ON APRIL 24, 2024 BY WRIGHT-PIERCE UTILIZING A DJI M350, LIDAR L2 & P1 CAMERA. DATA WAS POST PROCESSED UTILIZING GPS RTK SMART NETWORK SOLUTIONS ON GCP'S & DJI TERRA. THE PROJECT IS ORIENTED TO GRID NORTH, NORTH AMERICAN DATUM OF 1983 (NAD83) 2011, MAINE SATE PLANE COORDINATE SYSTEM, WEST ZONE US-FOOT. VERTICAL DATUM IS REFERENCED TO NAVD88.

8. ADDITIONAL GPS TOPO WAS PERFORMED BY WRIGHT-PIERCE ON MARCH 29, 2025 IN THE ROADWAY AND CHANNEL USING THE ABOVE SAID GPS RTK NETWORK.

9. WETLAND BOUNDARIES DELINEATED AND SURVEYED BY FLYCATCHER, LLC IN DECEMBER 2024.

SEWER AND DRAIN PIPING NOTES

1. ALL STORM DRAIN INSTALLED SHALL BE CORRUGATED POLYETHYLENE PIPE. THE PIPE AND FITTINGS SHALL HAVE A SMOOTH INTERIOR AND CORRUGATED EXTERIOR AND CONFORM TO THE REQUIREMENTS OF AASHTO M252 AND AASHTO M294 OR ASTM F2648. THE PIPE JOINT SYSTEM SHALL BE WATERTIGHT (WT) AND SHALL MEET OR EXCEED THE CURRENT ASTM D3212 LAB TEST REQUIREMENTS AND THE CURRENT ASTM F1417 WATERTIGHT FIELD TEST REQUIREMENTS.

2. TRENCH INSULATION SHALL BE USED WHERE DEPTH OF COVER IS LESS THAN 5-FEET. REFER TO THE CIVIL DETAIL DRAWINGS FOR THE TRENCH INSULATION DETAIL.

3. TRENCH INSULATION SHALL BE USED WHEN THERE IS LESS THAN 2-FEET BETWEEN THE SEWER OR FORCE MAIN AND A CULVERT. REFER TO THE CIVIL DETAIL DRAWINGS FOR THE TRENCH INSULATION DETAIL.

4. MANHOLES ARE 4-FEET IN DIAMETER UNLESS OTHERWISE NOTED. THE TOP OF MANHOLE FRAMES SHALL BE SET FLUSH WITH FINISH GRADE, UNLESS OTHERWISE NOTED ON DRAWINGS. SEWER MANHOLE INVERTS SHOWN ON THE DRAWINGS ARE TO THE INSIDE FACE OF THE MANHOLE.

5. CONTRACTOR SHALL RE-SHAPE INVERTS AS REQUIRED WHEN CONNECTING INTO EXISTING MANHOLES.

6. REFER TO CONTRACT DRAWINGS FOR PIPE AND STRUCTURE BEDDING AND BACKFILL REQUIREMENTS.

7. COMPACTION PLACEMENT AND TESTING SHALL BE IN ACCORDANCE WITH MAINE DOT STANDARD SPECIFICATIONS (MARCH 2020) SECTION 304. ANY SETTLEMENT OCCURRING WITHIN ONE-YEAR OF FINAL COMPLETION OF THE WORK SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST.

8. OPEN TRENCHES IN THE ROADWAY MUST BE BACKFILLED AT THE END OF THE WORKDAY.

9. ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE UNLESS OTHERWISE NOTED ON THE PLAN AND PROFILE. ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

10. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OF ALL DEMOLITION MATERIALS.

WATER MAIN GENERAL NOTES

1. WHERE NEW PIPING IS TO BE CONNECTED TO EXISTING PIPING, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL ADAPTERS, FITTINGS, AND ADDITIONAL PIPE AS REQUIRED TO COMPLETE THE CONNECTION. CONTRACTOR SHALL VERIFY LOCATION, ELEVATION, ORIENTATION AND MATERIAL OF CONSTRUCTION. TEST PITS SHALL BE USED AS REQUIRED.

2. ANY UNDERGROUND STRUCTURES, CABLES, AND PIPELINES LOCATED ADJACENT TO THE TRENCH EXCAVATIONS SHALL BE PROTECTED AND FIRMLY SUPPORTED BY THE CONTRACTOR UNTIL THE TRENCH IS BACKFILLED. DAMAGE TO ANY SUCH STRUCTURES, CABLES, AND PIPELINES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE AND TO THE SATISFACTION OF THE OWNERS OF THE STRUCTURES, CABLES, AND PIPELINES.

3. IF REQUIRED, WATER MAIN RECLOATIONS REQUIRED FOR NEW DRAINAGE INFRASTRUCTURE SHALL BE COORDINCATED WITH MAINE WATER COMPANY.

4. ALL WATER MAINS THAT ARE DISCONNECTED FROM THE WATER SYSTEM AND ARE TO BE LEFT IN PLACE SHALL BE CAPPED WITH A M.J. CAP OR PLUG.

5. ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION ARE TO REMAIN IN SERVICE UNLESS OTHERWISE NOTED. AT NO ADDITIONAL COST TO THE OWNER THE CONTRACTOR SHALL REPAIR OR COORDINATE WITH THE RESPECTIVE UTILITY ON DAMAGE TO EXISTING UTILITIES.

6. TRENCH INSULATION SHALL BE USED BETWEEN THE STORM DRAIN AND WATER WHEN THE DISTANCE BETWEEN THE TWO PIPES IS LESS THAN 2' (SEE NOTE 3 UNDER SEWER AND DRAIN PIPING NOTES.

CIVIL ABBREVIATIONS

&	AND
Ø, DIA	DIAMETER
#, NO	NUMBER
AC	ASBESTOS CEMENT
APP'D	APPROVED
BR	BRICK
BLDG	BUILDING
CB	CATCH BASIN
CEN	CENTER
CFS	CUBIC FEET PER SECOND
CI	CAST IRON
CIPP	CURED-IN-PLACE-PIPE
CL	CENTERLINE
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
CONC	CONCRETE
COR	CORNER
CY	CUBIC YARD
DEMO	DEMOLITION
DMH	DRAIN MANHOLE
DI	DUCTILE IRON
DR	DRAIN
DWG	DRAWING
EL	ELEVATION
EMH	ELECTRIC MANHOLE
FM	FORCE MAIN
FT	FEET
G	GAS
HDPE	HIGH DENSITY POLYETHYLENE
HYD	HYDRANT
IN	INCH
INF	INFLUENT
INV	INVERT
LB	POUNDS
LF	LINEAR FOOT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MW	MONITORING WELL
N	NORTH
NGVD	NATIONAL GEODETIC VERTICAL DATUM
N/A	NOT AVAILABLE/APPLICABLE
NTS	NOT TO SCALE
OD	OUTSIDE DIAMETER
OUT	OUTFALL
PC	PERFORATED CLAY
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PS	PRIMARY SLUDGE
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
RD	ROOF DRAIN
REQ'D	REQUIRED
S	SLOPE, SEWER
SD	STORM DRAIN
SF	SQUARE FEET
SMH	SANITARY SEWER MANHOLE
SQ	SQUARE
STA	STATION
T, XFMR	TRANSFORMER
TBM	TEMPORARY BENCH MARK
THK	THICKNESS
TOS	TOP OF STRUCTURE
TYP	TYPICAL
UD	UNDERDRAIN
UG	UNDERGROUND
UGE	UNDERGROUND ELECTRIC
VC	VITRIFIED CLAY
VF	VERTICAL FOOT
W/	WITH
W	POTABLE WATER

LEGEND

EXISTING	PROPOSED
	PROPERTY/ROW LINE
	SETBACK LINE
	EASEMENT LINE
	CENTERLINE
	EDGE OF PAVEMENT
	CURBING
	EDGE OF GRAVEL
	EDGE OF CONCRETE
122	CONTOUR 123
	BUILDING
	STONEWALL
	TREELINE
	CHAIN LINK FENCE
	STOCKADE FENCE
	BARB WIRE FENCE
	RETAINING WALL
	GUARDRAIL
8"	SEWER 8"S
4"	SEWER FORCE MAIN 4"FM
4"	GAS 4"G
8"	WATER 8"W
15"	STORM DRAIN 15"SD
6"	UNDERDRAIN 6"UD
12" CMP	CULVERT 12" CMP
GAS	UNDERGROUND ELECTRIC
OHE	OVERHEAD ELECTRIC
UGT	UNDERGROUND TELEPHONE
CATV	UNDERGROUND CABLE TV
	IRON PIPE/REBAR
	DRILLHOLE
	MONUMENT
	SURVEY CONTROL POINT
124.6	SPOT ELEVATION 134.5
SMH	SEWER MANHOLE SMH
DMH	DRAINAGE MANHOLE DMH
CB CB CB	CATCH BASIN CB CB
EMH	ELECTRIC MANHOLE EMH
TMH	TELEPHONE MANHOLE TMH
	SHUTOFF VALVE
	WATER SERVICE SHUTOFF
	YARD HYDRANT
	HYDRANT
	GAS SERVICE SHUTOFF
	GAS GATE VALVE
	UTILITY POLE
	UTILITY POLE W/ GUY
	UTILITY POLE W/ LIGHT
	LIGHT POLE
	BOLLARD
	FLAGPOLE
	CONIFEROUS TREE
	DECIDUOUS TREE
	SHRUB
	WETLAND FLAG
	EDGE OF WATER
	STREAM
	EDGE OF WETLANDS
	FLOODPLAIN
	WETLANDS
	DRAINAGE FLOW
	DRAINAGE SWALE
	PAVEMENT MARKINGS
	SIGN
MB	MAILBOX
	TEMPORARY BENCH MARK
TP	TEST PIT
B	TEST BORING
P	TEST PROBE
MW	MONITORING WELL
	LIMIT OF WORK
	SILT FENCE
	RIPRAP
	RAILROAD
	MATCHLINE
	ROCK OUTCROP

THESE PLANS REFERENCE A PLAN PREPARED BY: DOW & COULOMBE, INC. LAND SURVEYORS & LAND PLANNERS SINCE 1864 13 PARK STREET, SACO, MAINE TITLED: PLAN SHOWING A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY MADE FOR THE TOWN OF OLD ORCHARD BEACH C/O DIANA ASANZA, TOWN MANAGER (MAILING ADDRESS: 1 PORTLAND AVE. OLD ORCHARD BEACH, ME 04064) PARCEL LOCATED BETWEEN 80 AND 84 SEASIDE AVENUE OLD ORCHARD BEACH, MAINE. DATED: FEBRUARY 24, 2025, SCALE: 1" = 10', DRAWN BY: JMS, CHK'D BY: PDD, APPV'D BY: MJC, SHEET 1 OF 1.

NO	REVISIONS	APP'D	DATE
1			
2			
3			
4			
5			

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 09-2025
APPROVED: J. WALLACE
DATE: 09-2025
SUBMISSION: FOR PERMITTING REVIEW

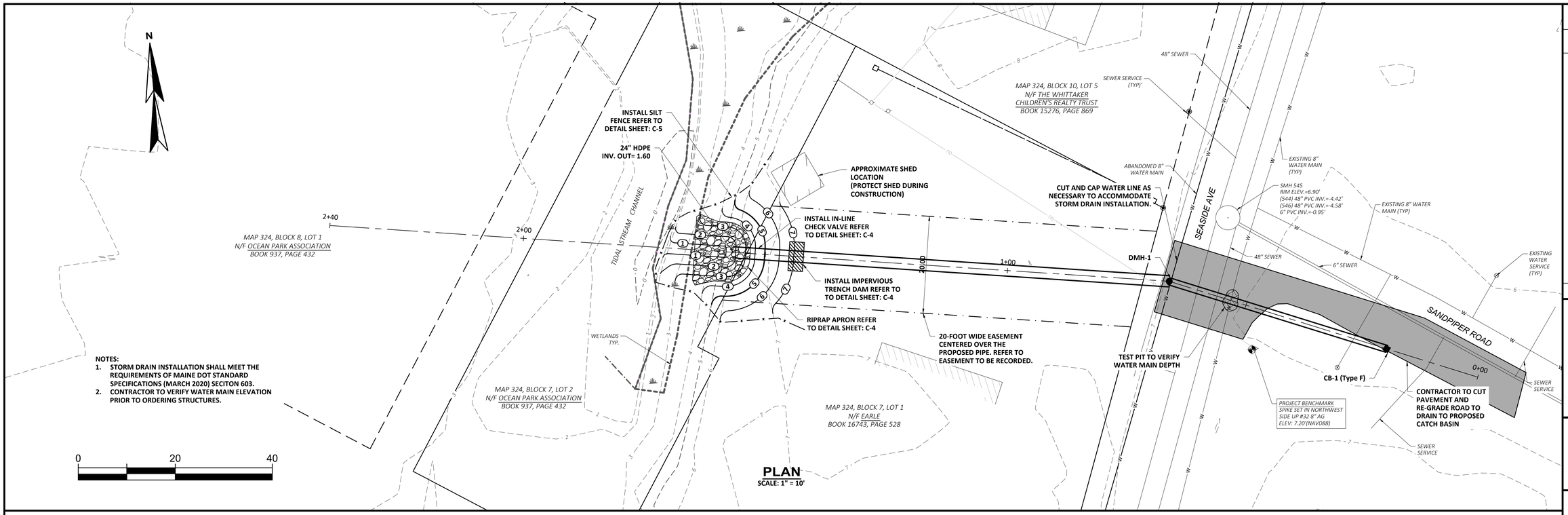
STATE OF MAINE — JAIME C. WALLACE — 13414 — REGISTERED PROFESSIONAL ENGINEER — 9/3/2025

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

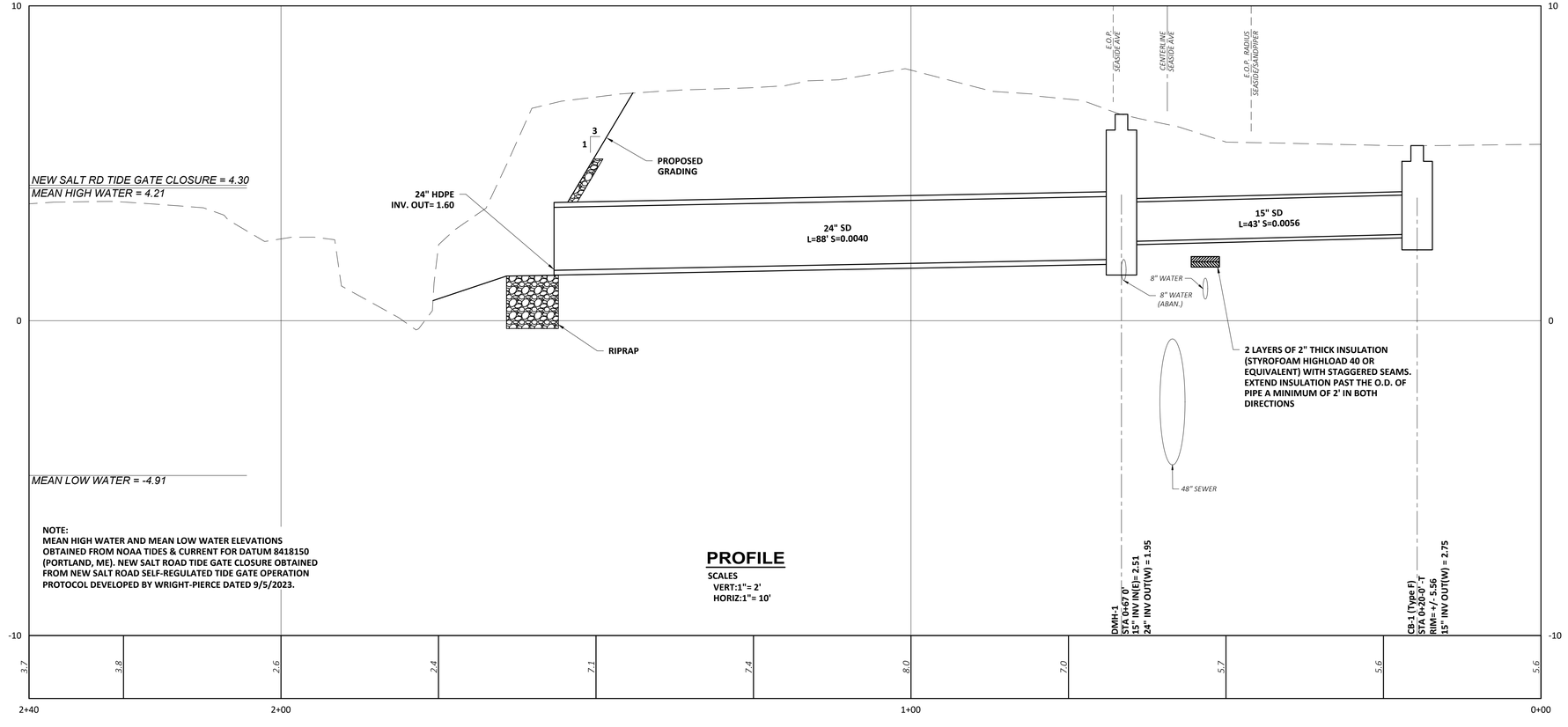
GENERAL NOTES, ABBREVIATIONS AND LEGEND

DRAWING
C-1



NOTES:
1. **STORM DRAIN INSTALLATION SHALL MEET THE REQUIREMENTS OF MAINE DOT STANDARD SPECIFICATIONS (MARCH 2020) SECITON 603.**
2. **CONTRACTOR TO VERIFY WATER MAIN ELEVATION PRIOR TO ORDERING STRUCTURES.**

PLAN
SCALE: 1" = 10'



NOTE:
MEAN HIGH WATER AND MEAN LOW WATER ELEVATIONS OBTAINED FROM NOAA TIDES & CURRENT FOR DATUM 8418150 (PORTLAND, ME). NEW SALT ROAD TIDE GATE CLOSURE OBTAINED FROM NEW SALT ROAD SELF-REGULATED TIDE GATE OPERATION PROTOCOL DEVELOPED BY WRIGHT-PIERCE DATED 9/5/2023.

PROFILE
SCALES
VERT:1"= 2'
HORIZ:1"= 10'

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DATE: 09-2025
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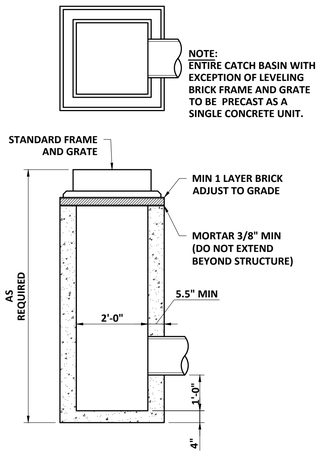
STATE OF MAINE
JAIME C. WALLACE
15444
LICENSED PROFESSIONAL ENGINEER
9/3/2025

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

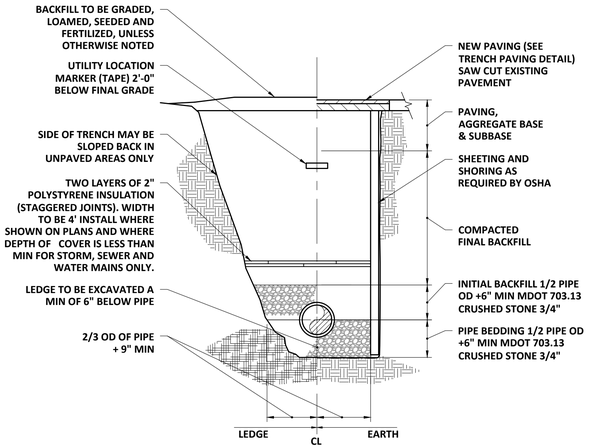
DRAINAGE IMPROVEMENTS
PLAN AND PROFILE

DRAWING
C-2



2'x2' CATCH BASIN (TYPE F)

SCALE: NTS

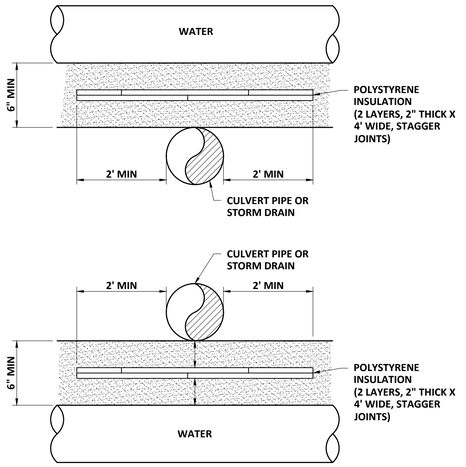


NOTES:

1. ALL EXCAVATION MUST MEET OSHA STANDARDS.
2. INSTALL 3 FOOT LONG IMPERVIOUS MATERIAL DAM IN BEDDING/INITIAL BACKFILL MATERIAL EVERY 100' AND WHERE SHOWN ON PLANS TO PREVENT TRENCH GROUNDWATER FROM BEING CHANNELED ALONG BEDDING/INITIAL BACKFILL.
3. INITIAL BACKFILL FOR WATER MAINS MUST BE 1/2 PIPE OD + 12" MIN MDOT 703.13 CRUSHED STONE 3/4"

PIPE TRENCH

SCALE: NTS

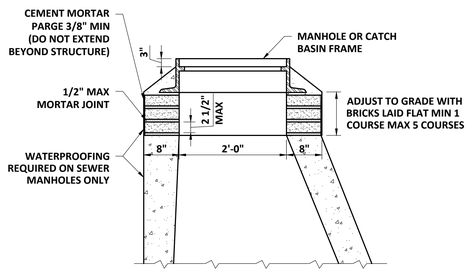


NOTES:

1. INSULATION TO BE USED WHERE PIPE SEPARATION IS 24" OR LESS.
2. INSULATION TO BE STYROFOAM HIGHLOAD 40 OR EQUIVALENT

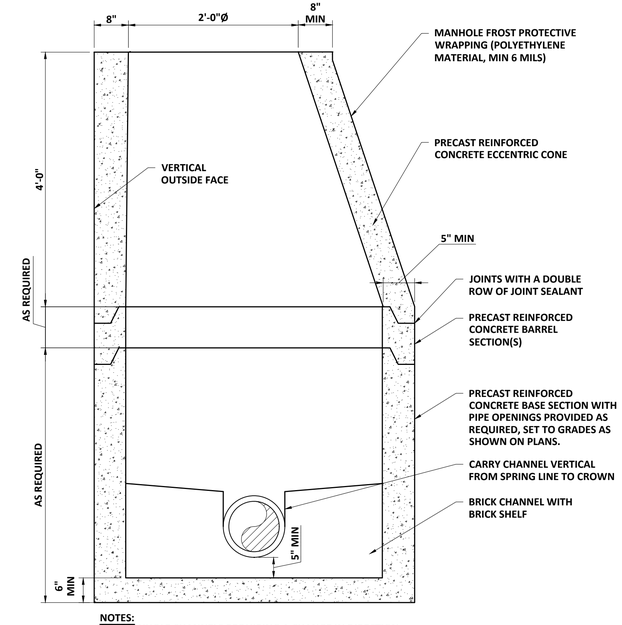
CULVERT PIPE / STORM DRAIN CROSSING

SCALE: NTS



MANHOLE AND CATCH BASIN FRAME INSTALLATION

SCALE: NTS

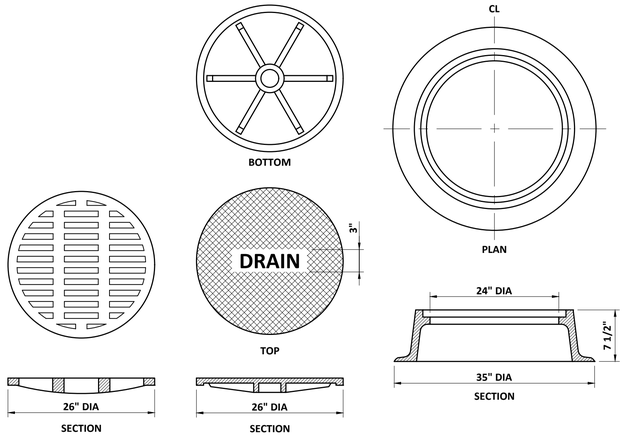


NOTES:

1. MANHOLE CHANNELS REQUIRING A CHANGE IN DIRECTION ARE TO BE BUILT ON A SMOOTH CURVE OF THE LONGEST POSSIBLE RADIUS. IF SIDE PIPES ENTER CHANNEL, SHAPE TO RECEIVE ADDED SIDE FLOW.
2. USE A FLAT SLAB TOP MANHOLE WHEN THE HEIGHT DIFFERENCE BETWEEN THE HIGHEST INVERT AND RIM IS LESS THAN 6'-0" AND WHEN MANHOLE DIAMETER IS GREATER THAN 4'-0".

TYPICAL 4-FT MANHOLE

SCALE: "NTS"

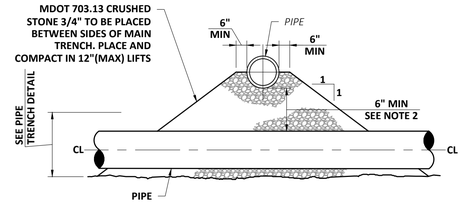


NOTE:

1. FRAME AND COVER MATERIALS AND INSTALLATION SHALL MEET THE REQUIREMENTS OF MAINE DOT STANDARD SPECIFCIATIONS (MARCH 2020) SECTION 604

CATCH BASIN & MANHOLE STANDARD COVER AND FRAME

SCALE: NTS

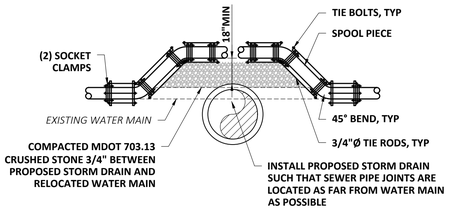


NOTES:

1. JOINTS ON EACH PIPE TO BE AS FAR FROM INTERSECTION AS POSSIBLE.
2. IF LESS THAN 12", FLOWABLE FILL MAY BE REQUIRED RATHER THAN MDOT 703.13 CRUSHED STONE 3/4" TO FACILITATE PROPER PIPE BEDDING AND COMPACTION AT ENGINEER'S DISCRETION.

PIPE CROSSING

SCALE: NTS



NOTES:

1. WATER MAIN MATERIALS TO BE CLASS 52 DUCTILE IRON. JOINT RESTRAINT TO BE BY MECHANICAL JOINT WITH RETAINER GLANDS, OR WITH TIE BOLTS AS SHOWN.
2. TIE RODS, TIE BOLTS, SOCKET CLAMPS AND BRIDLES SHALL BE COATED WITH A BITUMINOUS PAINT AFTER ASSEMBLY OR IF NECESSARY PRIOR TO ASSEMBLY.
3. TIE RODS: 10" DIA WATER MAIN OR LARGER - 4 REQUIRED.
   8" DIA WATER MAIN OR SMALLER - 2 REQUIRED.
4. EXISTING WATER MAINS TO BE RELOCATED OVER NEW STORM DRAIN WHEREVER SUFFICIENT GROUND COVER EXISTS (5' MINIMUM COVER).
5. WATER MAIN RELOCATIONS TO BE COORDINATED WITH MAINE WATER COMPANY.

WATER MAIN RELOCATION

SCALE: NTS

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1			
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CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 09-2025
APPROVED: J. WALLACE
DATE: 09-2025
SUBMISSION: FOR PERMITTING REVIEW

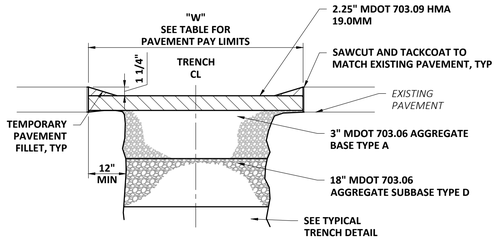
STATE OF MAINE
JAIME C. WALLACE
15444
LICENSED PROFESSIONAL ENGINEER
9/3/2025

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

SITE CIVIL DETAILS I

DRAWING
C-3



INITIAL TRENCH PAVING (WITHOUT OVERLAY)

SCALE: "NTS"

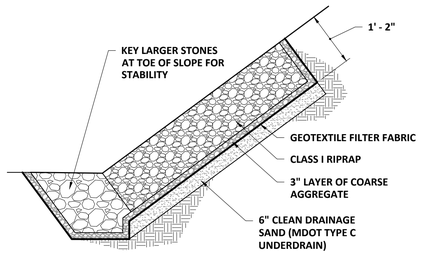
PAVEMENT PAY LIMITS		
PIPE I.D.	"Wt"	"Wp"
WATER & SEWER SERVICE	6'	8'
6" TO 16"	7'	9'
18" TO 24"	9'	11'

FOR CONSTRUCTION 10'-15' DEEP, INCREASE Wt AND Wp BY 2'-0". FOR CONSTRUCTION 15'-20' DEEP, INCREASE Wt AND Wp BY 4'-0". DEPTH SHALL BE MEASURED AS DIFFERENCE BETWEEN FINISH GRADE AND INVERT ELEVATION

NOTE:
INITIAL TRENCH PAVING MAY BE USED AS THE BASE COURSE FOR FINAL PAVING IF IN GOOD REPAIR.

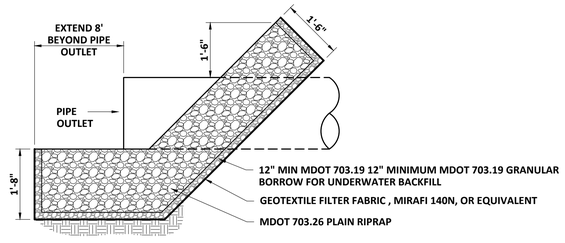
FINAL TRENCH PAVING (WITHOUT OVERLAY)

SCALE: "NTS"



RIPRAP SLOPE PROTECTION

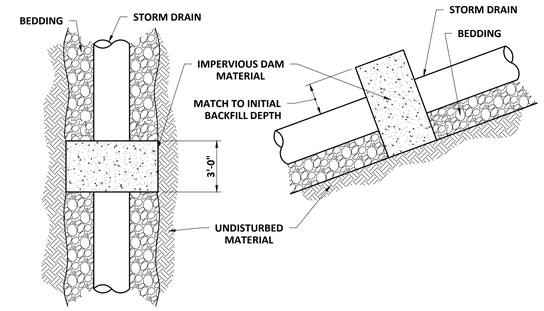
SCALE: NTS



NOTE:
RIPRAP WIDTH SHALL BE EQUAL TO THE PIPE OUTSIDE Ø PLUS 4 FEET CENTERED ON PIPE

PIPE OUTLET RIPRAP

SCALE: NTS



IMPERVIOUS DAM DETAIL

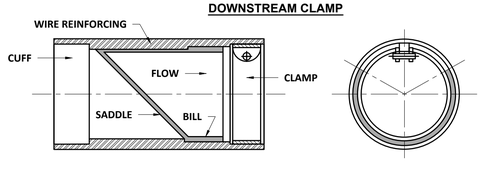
SCALE: NTS

NOTE:
INSTALL IMPERVIOUS DAMS EVERY 100 FT AND WHERE REQUIRED BY ENGINEER.

TYPICAL DRIVE SECTION

SCALE: NTS

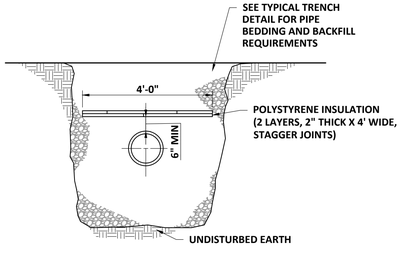
DOWNSTREAM CLAMP



PIPE SIZE I.D.	LENGTH	# CLAMPS	CUFF DEPTH	BACK PRESSURE
18"	31"	1	4"	56
24"	47.5"	2	8"	45

INLINE CHECK VALVE

SCALE: 'NTS'



NOTE:
TRENCH PIPE INSULATION TO BE USED WHERE DEPTH OF COVER IS LESS THAN ** FEET OR AS DIRECTED BY THE ENGINEER

TRENCH PIPE INSULATION

SCALE: NTS

NO	REVISIONS	APP'D	DATE
1			
2			
3			
4			
5			

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 09-2025
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STATE OF MAINE
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OLD ORCHARD BEACH, MAINE

SITE CIVIL DETAILS II

DRAWING
C-4

EROSION AND SEDIMENTATION CONTROL NOTES

THIS PLAN HAS BEEN DEVELOPED AS A STRATEGY TO CONTROL SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION. THIS PLAN IS BASED ON THE STANDARDS AND SPECIFICATIONS FOR EROSION PREVENTION IN DEVELOPING AREAS IN ACCORDANCE WITH OCTOBER 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPS) MANUAL FOR DESIGNERS AND ENGINEERS, OR LATEST EDITION. EROSION CONTROL MIX SHALL BE AS SPECIFIED IN THIS CITATION, PAGE 40.

THE PROPOSED LOCATIONS OF SILTATION AND EROSION CONTROL STRUCTURES ARE SHOWN ON THE SITE PLAN.

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE IN ACCORDANCE WITH 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL FIELD GUIDE FOR CONTRACTORS, OR LATEST EDITION. ALL TEMPORARY MEASURES SHALL NOT BE REMOVED UNTIL SITE IS FULLY STABILIZED.
2. IN AREAS ADJACENT TO NATURAL RESOURCES, LOCATIONS TO BE VEGETATED IN THEIR FINISH CONDITION SHALL BE STABILIZED WITH MULCH WITHIN 7 DAYS OF MOST RECENT DISTURBANCE.
3. AREAS THAT WILL NOT RECEIVE FINAL GRADING FOR UP TO ONE YEAR SHALL BE STABILIZED WITH MULCH WITHIN 7 DAYS OF MOST RECENT DISTURBANCE.
4. THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE MAINTAINED IN AN UNTREATED OR UNVEGETATED CONDITION FOR THE MINIMUM TIME REQUIRED. IN GENERAL AREAS TO BE VEGETATED SHALL BE PERMANENTLY STABILIZED WITHIN 15 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE OF THE SOIL.
5. SEDIMENT BARRIERS (SILT FENCE, STONE CHECK DAMS, ETC.) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF UPGRADIENT DRAINAGE AREAS. SEDIMENT BARRIERS SHALL BE INSTALLED DOWNGRADIENT OF STOCKPILES, AND STORMWATER SHALL BE PREVENTED FROM RUNNING ONTO THE STOCKPILES. PLASTIC SHEETING OR OTHER MATERIAL, WOVEN OR NON-WOVEN GEOTEXTILE FABRIC, MAY BE USED TO COVER STOCKPILES.
6. INSTALL SILT FENCE AT TOE OF SLOPES TO FILTER SILT FROM RUNOFF. SEE SILT FENCE DETAIL FOR PROPER INSTALLATION. SILT FENCE WILL REMAIN IN PLACE PER NOTE #5.
7. ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSURE. IF REPAIRS ARE IDENTIFIED, THEY SHALL BEGIN NO LATER THAN THE END OF THE FOLLOWING WORK DAY AND BE COMPLETE WITHIN 7 DAYS FROM INSPECTION. SEDIMENT DEPOSITS MUST BE REMOVED WHEN THEY REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE PERMANENTLY STABILIZED.
8. NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN TWO HORIZONTAL TO ONE VERTICAL (2 TO 1) UNLESS STABILIZED WITH RIPRAP OR OTHER STRUCTURAL MEANS. NO SLOPES IN EXCESS OF 1.5H:1V SHALL BE ALLOWED UNLESS STAMPED BY A PROFESSIONAL ENGINEER.
9. IF FINAL SEEDING AND SODDING IS NOT EXPECTED PRIOR TO THE ANTICIPATED DATE OF THE FIRST KILLING FROST, USE TEMPORARY ANNUAL RYEGRASS SEEDING AND MULCHING ON ROUGH GRADED SUBSOIL TO PROTECT THE SITE AND DELAY PERMANENT LOAMING, FINE GRADING, AND SEEDING OR SODDING UNTIL SPRING.
10. WHEN FEASIBLE, TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINISH GRADED SHALL BE COMPLETED 30 DAYS PRIOR TO THE FIRST KILLING FROST.
11. DURING THE CONSTRUCTION PHASE, INTERCEPTED SEDIMENT WILL BE RETURNED TO THE SITE AND REGRADED ONTO OPEN AREAS. POST SEEDING SEDIMENT, IF ANY, WILL BE DISPOSED OF IN AN ACCEPTABLE MANNER.
12. REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED, AND REVEGETATED.
13. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE IS STABILIZED.
14. EXCAVATION AND EARTHWORK SHALL BE DONE SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
15. EXPOSED AREA SHOULD BE LIMITED SUCH THAT THE AREA CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT.
16. STABILIZATION SCHEDULE BEFORE WINTER:

SEPTEMBER 1:	ALL SLOPES GREATER THAN 15% MUST BE SEEDED AND MULCHED. ALL GRASS-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED.
SEPTEMBER 15	ALL DISTURBED AREAS MUST BE SEEDED AND MULCHED. ALL SLOPES MUST BE STABILIZED, SEEDED AND MULCHED. SLOPES 3:1 OR GREATER TO BE STABILIZED WITH EROSION CONTROL MATTING AND SEEDED. ALL DISTURBED AREAS TO BE PROTECTED WITH AN ANNUAL GRASS MUST BE SEEDED AT A SEEDING RATE OF 3 POUNDS PER 1,000 SQUARE FEET AND MULCHED.
OCTOBER 1	ALL DISTURBED AREAS TO BE PROTECTED WITH WINTER RYE MUST BE APPLIED AT A RATE OF 3LB PER 1000 SQUARE FEET, AND WITH HAY APPLIED AT A RATE OF 75LB PER 1000 SQUARE FEET OR WITH AN EROSION CONTROL BLANKET.
OCTOBER 15:	SOIL MUST BE SEEDED WITH WINTER RYE AND PROTECTED WITH EROSION CONTROL BLANKET IF NOT YET STABILIZED.
NOVEMBER 1:	AREA SHOULD BE STABILIZED IF RYE HAS NOT GROWN THREE INCHES AND DOES NOT HAVE 75% COVERAGE.
NOVEMBER 15	ALL STONE-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED. SLOPES THAT ARE COVERED WITH RIPRAP MUST BE CONSTRUCTED BY THAT DATE.
DECEMBER 1	ALL DISTURBED AREAS WHERE THE GROWTH OF VEGETATION FAILS TO BE AT LEAST THREE INCHES TALL OR AT LEAST 75% OF THE DISTURBED SOIL IS COVERED BY VEGETATION, MUST BE PROTECTED FOR OVER-WINTER.

17. MULCH MAY REQUIRE ANCHORING TO ENSURE THAT MULCH REMAINS IN-PLACE. MULCH NETTING, CRIMPING, OR PUNCHING ARE ACCEPTABLE METHODS. MULCH NETTING SHALL BE TENAX RADIX EROSION CONTROL NETS OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER REQUIREMENTS.
18. SPILL PREVENTION: CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM BEING DISCHARGED FROM MATERIALS AND EQUIPMENT ON-SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
19. GROUNDWATER PROTECTION: DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS, ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.
20. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.
21. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. EQUIVALENT MEASURES MAY BE TAKEN IF APPROVED BY THE DEPARTMENT.
22. AUTHORIZED NON-STORMWATER DISCHARGES: IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:
    - A. DISCHARGES FROM FIREFIGHTING ACTIVITY;
    - B. FIRE HYDRANT FLUSHINGS;
    - C. VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
    - D. DUST CONTROL RUNOFF IN ACCORDANCE WITH SPECIFICATIONS AND ANY APPLICABLE PERMIT CONDITIONS;
    - E. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
    - F. PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
    - G. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
    - H. UNCONTAMINATED GROUNDWATER OR SPRING WATER;
    - I. FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
    - J. UNCONTAMINATED EXCAVATION DEWATERING;
    - K. POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND
    - L. LANDSCAPE IRRIGATION.
24. UNAUTHORIZED NON-STORMWATER DISCHARGES: THE MAINEDEP'S APPROVAL UNDER THIS CHAPTER DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH APPENDIX C (6). SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:
    - A. WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
    - B. FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
    - C. SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
    - D. TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

EROSION CONTROL - WINTER CONSTRUCTION

1. WINTER CONSTRUCTION PERIOD DEFINED: NOVEMBER 1 THROUGH APRIL 15.
2. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION AS LISTED IN ITEM 2 ABOVE.
3. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW AT A RATE OF 100 LB. PER 1,000 SQUARE FEET (WITH OR WITHOUT SEEDING) OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE. IN ALL CASES, MULCH SHALL BE APPLIED SUCH THAT SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH. OVERWINTER HAY MULCH SHOULD BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET. MULCH SHOULD BE ANCHORED WITH NETTING OR TACKIFIER TO PREVENT MOVEMENT BEFORE FREEZING.
4. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1ST, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE-FREEZING TEMPERATURES, THE SLOPES SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED AND IS SMOOTH, THEN THE AREA MUST BE STABILIZED WITH MULCH. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, ALL EXPOSED AREAS SHALL BE GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT EXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER. UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW DITCHES TO BE FINISHED WITH THE PERMANENT SURFACE TREATMENT, EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF HAY OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS.
5. THE APPLICATION OF MULCH TO FINE GRADED AREAS WILL BE STABILIZED AS FOLLOWS:
    - A. BETWEEN THE DATES OF NOVEMBER 1ST AND APRIL 15TH ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING, ASPHALT EMULSION, CHEMICAL TACK OR WOOD CELLULOSE FIBER.
    - B. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GRATER THAN 8%. THIS SHALL BE IN ADDITION TO EROSION CONTROL MATTING-DITCHES DETAIL.
    - C. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15%. AFTER OCTOBER 1ST, THE SAME APPLIES FOR ALL SLOPES GREATER THAN 8%.
6. AFTER NOVEMBER 1ST THE CONTRACTOR SHALL APPLY MULCH AND ANCHORING ON ALL BARE EARTH AT THE END OF EACH WORKING DAY.
7. DURING WINTER CONSTRUCTION PERIODS ALL SNOW SHALL BE REMOVED FROM AREAS OF MULCHING PRIOR TO PLACEMENT.
8. THE INSPECTION FREQUENCY FOR AREAS BEING WORKED ON DURING WINTER CONSTRUCTION SHALL BE AFTER EACH RAINFALL, SNOWSTORM, OR THAWING, AND AT LEAST ONCE A WEEK.
    - A. CONTRACTOR SHALL NOT BE REQUIRED TO INSPECT AREAS OF THE SITE THAT ARE NOT VISIBLE DUE TO SNOW IF THOSE AREAS ARE NOT BEING ACTIVELY CONSTRUCTED, HAVE BEEN INSPECTED AND PROPERLY REPAIRED PRIOR TO THE SNOW EVENT.

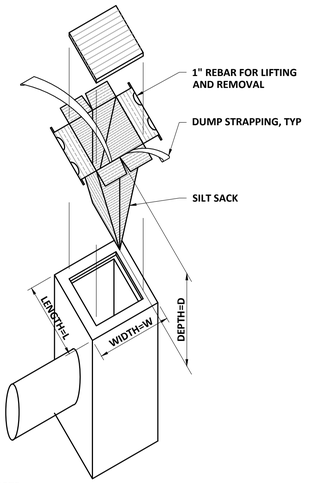
EROSION CONTROL - WETLAND NOTES

1. WETLANDS AND SURFACE WATERS (EXCEPTING THOSE WHICH ARE TO BE FILLED IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS) WILL BE PROTECTED WITH SILT FENCE INSTALLED AT THE EDGE OF THE WETLAND OR THE BOUNDARY OF WETLAND DISTURBANCE.
2. IF THE WORK INCLUDES CROSSING OF WETLANDS AND/OR STREAMS, THE CONTRACTOR SHALL TAKE SPECIAL PRECAUTIONS WORKING IN THESE AREAS.
3. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION WITHIN OR ADJACENT TO WETLAND AREAS. ALL TEMPORARY MEASURES SHALL NOT BE REMOVED UNTIL SITE IS FULLY STABILIZED.
4. WETLAND VEGETATIVE LAYERS SHALL BE REMOVED AND SALVAGED FOR RESTORATION OF THE DISTURBED AREAS.
5. STORAGE AREAS FOR WETLAND MATERIALS SHALL BE PROPERLY PROTECTED AGAINST EROSION.
6. WETLAND MATS WILL BE INSTALLED OVER WETLAND AREAS THAT NEED TO BE UTILIZED BY EQUIPMENT DURING CONSTRUCTION; HOWEVER, WORK SHALL BE CONDUCTED FROM OUTSIDE THE WETLAND TO THE GREATEST EXTENT PRACTICABLE.

INSPECTIONS

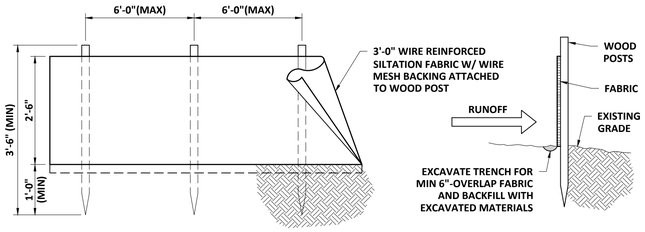
REGULAR INSPECTIONS OF ALL EROSION AND SEDIMENTATION CONTROLS SHALL BE MADE AT LEAST WEEKLY AND PRIOR TO AND FOLLOWING STORM EVENTS. MINIMUM INSPECTIONS SHALL BE MADE AS LISTED IN THE TABLE BELOW. SEE INSPECTIONS, MAINTENANCE AND HOUSEKEEPING PLAN FOR ADDITIONAL INFORMATION.

INSPECTED ITEM	EXAMPLE REPAIR INDICATORS
MULCHED SURFACES	THIN MULCH OR INADEQUATE APPLICATION. WIND MOVEMENT
SEEDED SURFACES	POOR SEED GERMINATION. LOSS OF MULCH. DEVELOPMENT OF RIVULETS.
SEDIMENT BARRIER	SEDIMENT BUILD-UP TO ONE HALF THE HEIGHT OF THE BARRIER. UNDERMINING OF THE BARRIER. SUPPORTING STAKES LOOSE, TOPPLED OR UNMARKED. BREAKS IN BARRIER.
PERIMETER DIVERSION	DISCHARGE IS TO STABILIZED AREA. EROSION OR BREAKS IN BARRIER. SUPPORTING STAKES LOOSE, TOPPLED OR UNMARKED.
CATCH BASIN PROTECTION	SEDIMENT BUILD-UP AND STRUCTURE BLOCKAGES. SLOW FLOW/PONDING WATER. BREAKS IN FABRIC OR VOIDS IN BARRIER.
DEWATERING FILTER	BREAKS IN FABRIC OR SUPPORTING STRUCTURE. SLOW FLOW, INDICATING HIGH SEDIMENT BUILD-UP.
CONSTRUCTION ENTRANCE	SEDIMENTATION OF ROADWAYS. OFF-SITE DUST COMPLAINTS.
STOCKPILE	BALLOONING OR BLOWOUTS, RUNOFF AND EROSION

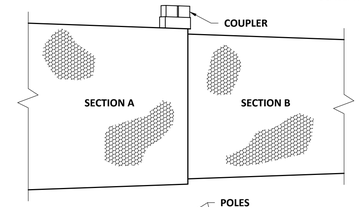


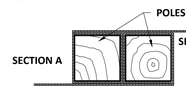
NOTE:
INSTALL SILT SACK PER MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS. EMPTY OR REMOVE SEDIMENT FROM SILT SACK WHEN RESTRAINT CORD IS NO LONGER VISIBLE. CLEAN, RINSE, AND REPLACE AS NEEDED.

SILT SACK CATCH BASIN INLET
SCALE: NTS

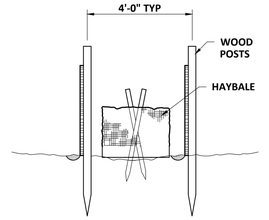


SILT FENCE INSTALLATION DETAIL
SCALE: NTS

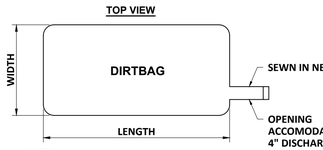




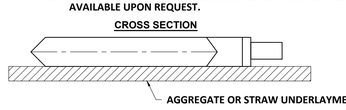
JOINING SILT FENCE SECTIONS
SCALE: "NTS"



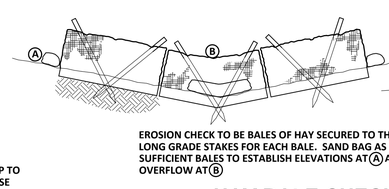
COMBINATION SILT FENCE AND HAY BALE BARRIER
SCALE: NTS



NOTES:
1. DIRTBAG TO BE PLACED ON AGGREGATE OR STRAW.
2. SEAMS MUST BE HIGH STRENGTH DOUBLE STITCHED "J" SEAMS.
3. SEAM MUST BE TESTED UNDER ASTM D-4884. ACF TEST RESULTS AVAILABLE UPON REQUEST.

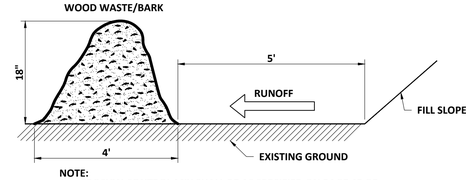


DIRT BAG
SCALE: "NTS"



EROSION CHECK TO BE BALES OF HAY SECURED TO THE GROUND WITH TWO 4' LONG GRADE STAKES FOR EACH BALE. SAND BAG AS REQUIRED, PLACE SUFFICIENT BALES TO ESTABLISH ELEVATIONS AT (A) AT LEAST 6 INCHES ABOVE OVERFLOW AT (B)

HAY BALE CHECK DAM
SCALE: "NTS"

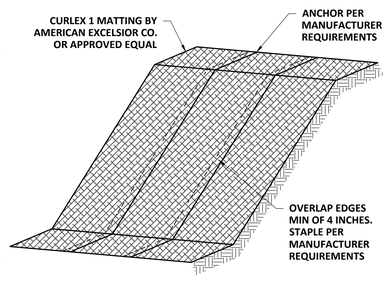


NOTE:
1. EROSION CONTROL MIX SHALL BE AS SPECIFIED ON PAGE 45 OF THE OCTOBER 2016 REVISION TO THE 2003 MAINE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPS) MANUAL FOR DESIGNERS AND ENGINEERS, OR LATEST EDITION.

EROSION CONTROL MIX BERM
SCALE: "NTS"

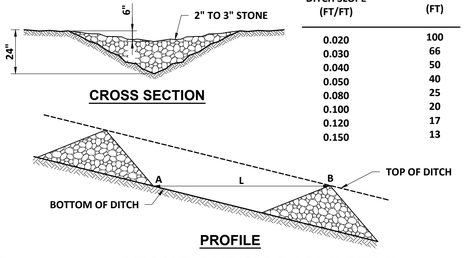
NOTE:
1. PROVIDE FOR DRAINAGE SWALES AS INDICATED ON GRADING & DRAINAGE PLAN. ADDITIONAL REQUIREMENTS MAY APPLY. SEE EROSION CONTROL - WINTER CONSTRUCTION NOTE 5 AS APPLICABLE.

EROSION CONTROL MATTING - DITCHES
SCALE: "NTS"



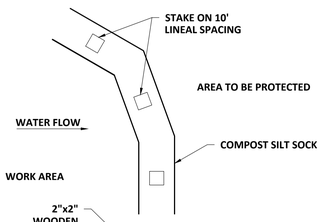
NOTE:
INSTALL ON SLOPES 3:1 OR GREATER

EROSION CONTROL MATTING - SLOPES
SCALE: "NTS"



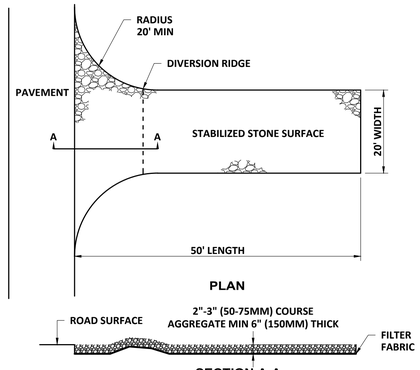
DITCH SLOPE (FT/FT)	L (FT)
0.020	100
0.030	66
0.040	50
0.050	40
0.080	25
0.100	20
0.120	17
0.150	13

STONE CHECK DAM DETAIL
SCALE: NTS



NOTES:
1. ALL MATERIAL TO MEET SPECIFICATIONS
2. SILT SOCK COMPOST/SOIL/ROCK/SEED FILL TO MEET APPLICATION REQUIREMENTS
3. SILT SOCK DEPICTED IS FOR MINIMUM SLOPES. GREATER SLOPES MAY REQUIRE LARGER SOCKS PER THE ENGINEER
4. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

COMPOST SILT SOCK
SCALE: NTS



(TEMPORARY, TO BE REMOVED PRIOR TO FINAL SITE PAVING)

NOTE:
1. STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED DURING CONSTRUCTION AS REQUIRED TO PREVENT OFF-SITE TRACKING OF SEDIMENT. ANY SEDIMENT TRACKED OFF-SITE SHALL BE REMOVED AND DISPOSED OF IN A MANNER THAT SEDIMENTS DO NOT ENTER DOWN SLOPE WATER RESOURCES.

STABILIZED CONSTRUCTION ENTRANCE
SCALE: "NTS"

NO	REVISIONS	APP'D	DATE
1			
2			
3			
4			
5			

PROJECT NO: 22021
DESIGNED: B. SPRINGER
CAD COORD: M.VACHON
CAD: M. VACHON
CHECKED: B. SPRINGER
DATE: 09-2025
APPROVED: J. WALLACE
DATE: 09-2025
SUBMISSION: FOR PERMITTING REVIEW

STATE OF MAINE
9/3/2025
JAIME C. WALLACE
No. 15444
LICENSED PROFESSIONAL ENGINEER

WRIGHT-PIERCE
207.725.8721 | www.wright-pierce.com
11 BOWDOIN MILL ISLAND, SUITE 140, TOPSHAM, ME 04086

TOWN OF OLD ORCHARD BEACH
SANDPIPER ROAD
DRAINAGE IMPROVEMENTS
OLD ORCHARD BEACH, MAINE

EROSION & SEDIMENTATION CONTROL NOTES AND DETAILS

DRAWING
C-5

General Permit No.: NAE-2025-00485 Effective Date: October 31, 2025
Applicant: General Public, State of Maine Expiration Date: October 31, 2030

Department of the Army
Regional General Permits for the State of Maine

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues thirty-seven (37) regional general permits (RGPs) for activities subject to Corps jurisdiction in waters of the U.S., including wetlands; and navigable waters within the State of Maine and adjacent ocean waters to the seaward limit of the outer continental shelf. The Maine RGPs (hereafter referred to as the ME RGP or RGP) are issued in accordance with Corps regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)].

RGPs numbered "1-60" were developed to closely match the current 2021 Nationwide Permits (NWPs) and the upcoming 2026 NWPs. The next NWPs are proposed to be reissued in March 2026 and are proposed to be used in New England District (NAE), including the Maine Section. To ensure General Permit coverage, between October (expiration of existing Maine Regional General Permits NAE-2019-02771) to March (when the NWPs will be issued), the below RGPs will be used. Each RGP has been numbered to coincide with the current NWPs for ease of transition. Please note, once the 2026 NWPs are issued, New England District may phase in some or all the NWPs. The RGPs that have letters (A-C) will likely be proposed as New England District RGPs (post March 2026) as these activities are not covered under any proposed NWPs. If the new NWPs and/ or RGPs are proposed to be used in New England District, the NWPs will be public noticed in accordance with 33 CFR 330.5.

Tammy R. Turley October 31, 2025

Tammy R. Turley Date
Chief, Regulatory Division
New England District
U.S. Army Corps of Engineers

SECTION I. STATUTORY AUTHORITIES AND REGULATED ACTIVITIES

1. Federal Authorities

   a. **Section 10 of the Rivers and Harbors Act of 1899** (see 33 CFR Part 322). The Corps regulates any *structure* in, over, or under any *navigable waters of the United States* (as defined in 33 CFR 329), and *work* such as excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.

   b. **Section 404 of the Clean Water Act** (see 33 CFR Part 323). The Corps regulates the discharge of *dredged material* or *fill material* and certain discharges associated with excavation into *waters of the United States* (as defined in 33 CFR 328), including wetlands. Exemptions of Section 404 can be found at 33 CFR Part 323.4.

2. State Approvals

   Applicants are responsible for applying for and obtaining any required state or local government agency approvals, such as those required by Maine Department of Environmental Protection, Maine Land Use Planning Commission, and Maine Department of Marine Resources; as well as those required by the City, Town, or County the project is located within. In many cases activities requiring Corps authorization will also require approval from these government agencies. However, Federal and state jurisdiction as well as review criteria will differ in some cases. State and Local permits may be required for specific projects regardless of Corps jurisdiction.

   When state or local approvals or statutorily required reviews are also required, those approvals should be obtained prior to commencing work under Corps jurisdiction. Refer to the document titled "*Agency & Partners Contact Directory"*, which can be found on the Corps website at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

SECTION II. RGP PROCEDURES

To qualify under these RGPs, the design, construction, maintenance, and use associated with each proposed activity shall meet the terms and eligibility criteria listed in Section III of the RGPs and all applicable general conditions (GCs) in Section IV. For activities authorized by RGPs which do not require submission of a pre-construction notification, (i.e. non-notifying) prior to commencement of the activity, the proponent (i.e., the person and/or the entity performing the work) is responsible for ensuring the activity meets the terms of the applicable RGP, any applicable GCs, and applicable State Water Quality Certification (WQC) and Coastal Zone Management (CZM) Act consistency conditions found on Corps website at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/. Below are the general conditions for the WQC and CZM. WQC and CZM specific conditions are within the RGP in Section III. Applicants should first review the RGPs to determine if a project is eligible for verification under one or more of the RGPs within this document. A Pre-Construction Notification (PCN) is required if a waiver is required by any RGP. Activities that do not meet criteria of these RGPs will require an Individual Permit (IP). Refer to the document titled "*Local Procedures For Submission of a Complete PCN or Application"* for guidance on the permitting process, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Maine Department of Environmental Protection (MEDEP) & Land Use Planning Commission (LUPC) issued WQC with conditions and the Maine Coastal Program (MCP) concurred to the CZM with conditions for projects located within the boundaries of the State of Maine for the following GPs: 1, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 20, 27, 29, 33, 38, 39, 41, 42, 43, 46, 48, 51, 52 ,53, 55, 54, 57, 58, 60, A, B & C. WQC was issued and CZM concurrence was given for the above listed GPs so long as the project proponent follows the below general conditions:

1. Projects that would result in any direct, permanent salt marsh (tidal wetlands) loss must be reviewed individually for WQC and CZM unless mitigation is required.
2. When operating equipment or otherwise undertaking construction activities in aquatic resources, the project proponent shall:
    - Include in the project plan/design drawings the locations of:
        - the project site with all waters, including wetlands, clearly demarcated;
        - staging areas;
        - construction access points; and
        - disturbance limits.
    - Clean all equipment prior to the equipment arriving on the project site.
    - Have containment booms and/or absorbent material available onsite prior to the commencement of work. In the case of spills, the project proponent shall immediately employ containment booms and/or absorbent material to prevent discharges from reaching waters of the United States.
    - Prior to entering any waters of the United States, inspect all equipment for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. If the project proponent detects a leak from any equipment, they shall immediately remove the equipment from waters of the U.S.; and within 24 hours of detection of a leak, the project proponent shall repair the equipment in a staging area or move it offsite.
    - Clean all contaminated areas within 8 hours of spill detection and remove contaminated soil from the site within 24 hours or contain it in enclosed containers until it is removed from the site.
3. Project proponents must identify whether a proposed project would occur within an S1 or S2 natural community identified by the Maine Natural Areas Program (MNAP) and coordinate with MNAP to address any potential concerns and discuss mitigation as appropriate. Project proponents can use MNAP online resources to learn more about how each natural community is characterized here: https://www.maine.gov/dacf/mnap/features/commsheets.htm.Project proponents may also contact MNAP directly for questions and coordination here: maine.nap@maine.gov.
4. Project proponents must identify whether a proposed project would occur within an Essential Habitat, as listed in 09-137 C.M.R. ch. 8, or Significant Wildlife Habitat, as defined in 38 M.R.S. § 480-B(10), and coordinate with IFW to address any potential concerns and discuss mitigation as appropriate. Project proponents may contact DIFW directly for questions and coordination here: IFWEnvironmentalReview@maine.gov.

Environmental Protection Agency (EPA) issued WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park for the following GPs: 3, 7, 12, 13, 14, 15, 18, 33, 38, 39, 41, 51, 52, 54, 57, 58, 60, A, B, and C. WQC was issued for the above listed GPs so long as the project proponent follows the below general conditions:

1. Prior to construction, the project proponent shall develop a plan that:
    - Includes time stamped photo-documentation of the baseline conditions (*i.e.*, 50 feet upstream of the project area, within the project area, and 100 feet downstream of the project area).
    - Identifies on a site map:
        - Project site with all waters of the U.S. demarcated. Identify all locations where the project will cross jurisdictional waterbodies and identify the ordinary high-water mark and/or wetland boundaries; the planned work area where wetlands/aquatic resources will be removed, disturbed, and/or protected; buffer zones; and areas to be restored/reclaimed, as well as site access points and other approved work areas. Staging areas and stockpiling of materials and equipment, including locations for containment booms and/or absorbent materials, and/or hazardous materials. Stockpiles (*e.g.*, sediment, soil, or other construction materials) shall be stored at least 50 feet from where it may enter waters of the U.S.
        - Construction access points.
        - Disturbance limits.
        - Locations where site dredging and placement of dredged material activities will occur.
        - Locations where hazardous materials are stored. Identify where containment booms and/or absorbent materials are located for corrective action if needed. Hazardous materials shall be stored in leak-proof containers with appropriate secondary containment measures (*e.g.*, spill berms, dikes, spill containment pallets, absorbent materials). Any silt/sediment fencing.
        - Photo-reference sites. The project proponent shall indicate the directional view and location where photos were taken on the site map.
    - Includes a description of how the site will be restored to pre-construction conditions, including stream hydrology and stability/or aquatic resource composition and diversity of native species to be used. Non-native and invasive species shall not be used for restoration activities.
    - Includes the following as applicable:
        - <u>Cofferdams, temporary berms, pilings, and/or dikes:</u> Describe installation and maintenance practices for any cofferdams, temporary berms, pilings, and/or dikes.
        - <u>Dredging:</u> Describe how contaminated materials will be managed (*e.g.*, sediment testing data and information to identify whether sediments are clean or contaminated), if included in the project dredged area. Describe methods for minimizing dredging impacts (*i.e.*, sedimentation resuspension) in the water column.

- Erosion control: Identify the types and locations of sediment and erosion control features that shall be used onsite, including sediment control fences, haybales, heavy mud mats, and/or other structures. Biodegradable blankets and/or loose-weave mesh shall be used for erosion control matting. Dewatering: Describe methods for dewatering, including the equipment that would be used to conduct the dewatering activities. Identify the locations and timing, including length of time the area is to be dewatered. Explain removal method of the temporary structures and/or fill and what measures will be taken to minimize downstream turbidity and adaptive management measures that will be taken and employed to prevent the draining of waters of U.S., including wetlands.
- Ditching: Explain trenching and material placement techniques and stabilization methods to be employed, as well as timing. In wetlands, the top 6 to 12 inches of the trench shall be backfilled with topsoil from the trench, unless other techniques are approved. Include activity timing needs for ditching and stabilization.

- Submit the plan to EPA Region 1 at R1CWA401@epa.gov.

During construction, the project proponent shall:

- Visually inspect construction activities daily.
- Prevent sediment, debris, silt, sand, cement, concrete, oil or petroleum, organic materials, or other construction debris or wastes from entering waters of the U.S.
- Maintain documentation onsite that all equipment was cleaned of dirt, mud and other materials prior to arriving on the project site.
- Inspect all equipment daily and prior to entering any waters of the U.S. for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. If the project proponent detects a leak from any equipment, they shall immediately remove the equipment from waters of the U.S.; and within 24 hours of detection of a leak, repair the equipment in a staging area or move it offsite.
- Limit vegetation clearing and disturbance to waters.
- Limit restoration of the channel bed to pre-existing contours and conditions.
- Photo-document any failures or increased turbidity due to construction activities. Within 24 hours of observing a failure or marked increase in turbidity associated with construction, the project proponent shall remedy and implement any additional adaptive management measures to stabilize the activity and prevent further unauthorized discharges into waters of the U.S. The project proponent shall photo-document the failure (*i.e.*, 50 feet upstream of failure, at the incident site, and at least 100 feet downstream of the failure) and the adaptive management measures taken immediately following implementation. The project proponent shall take photos at the same location and direction as the photos in the plan.
    - Within 48 hours of observing any failure, the project proponent shall provide EPA Region 1 with the above mentioned photo-documentation, and descriptions of all observed failures and remedies.
    - Within three weeks of observing a failure, the project proponent shall provide EPA Region 1 with a description of the impacts and effectiveness of the adaptive management measures.

- Carry out as applicable:
    - Erosion control: Inspect sediment and erosion control measures daily during project implementation and within 12 hours of precipitation events. After construction is complete, stabilization purposes.
    - Dewatering: Assess all dewatering measures within 24 hours after a storm event.

Post construction, the project proponent shall as applicable:

- Submit a copy of the as-builts and a post dredged and disposal report within 45 days of each dredging or disposal event to EPA Region 1 at R1CWA401@epa.gov. The project proponent shall include the following items in the post-dredged and disposal report:
    - Dredging and disposal dates.
    - Updated site map displaying the disposal location(s).
    - Dredging and disposal volumes.
    - Water quality monitoring data.
    - Post-dredged bathymetry.
    - Updated site maps displaying any new ditches, spoil piles, widths and depths.

SECTION III. MAINE REGIONAL GENERAL PERMITS

Applicants shall review all Sections of the RGPs prior to utilizing them or submitting a pre-construction notification to the Corps to confirm that the activity, as proposed, complies with all terms and conditions of the 2025 ME RGPs.

Regional General Permits

1. Aids to Navigation
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
11. Temporary Recreational Structures
12. Oil or Natural Gas Pipeline Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
27. Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities
29. Residential Developments
33. Temporary Construction, Access, and Dewatering
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
41. Reshaping Existing Drainage and Irrigation Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
48. Commercial Shellfish Mariculture Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
53. Removal of Low-Head Dams
54. Living Shorelines
55. Seaweed Mariculture Activities
57. Electric Utility Line and Telecommunications Activities
58. Utility Line Activities for Water and Other Substances
60. Activities to Improve Passage of Fish and Other Aquatic Organisms

A. Boat Ramps

B. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Relocation, Rock & Debris Removal, and Recreational Beach Grading & Raking

C. Structures and Moorings in Navigable Waters of The U.S.

RGP 1. Aids to Navigation (Authority: Section 10):

The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 3. Maintenance (Authorities: Sections 10 and 404):

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This RGP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This RGP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This RGP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This RGP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This RGP does not authorize maintenance dredging for the primary purpose of navigation. This RGP does not authorize beach restoration. This RGP does not authorize new stream channelization or stream relocation projects.

Pre-construction notification required if:

Activities authorized by paragraph (b) of this RGP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.

Note 1: This RGP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

Note 2: Activities conducted under RGPs involving the replacement or installation of new tidal crossings should comply with the State of Maine's CoastWise Approach. See state website for additional information: https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf

Note 3: A joint pre-application consultation with the Corps and State Resource Agencies is advised for all activities that involve new or replacement tidal crossings.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and

dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities (Authorities: Sections 10 and 404):

Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This RGP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 5. Scientific Measurement Devices (Authorities: Sections 10 and 404):

Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge of dredged or fill material is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 6. Survey Activities (Authorities: Sections 10 and 404):

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, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this RGP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This RGP authorizes the construction of temporary pads, provided the discharge of dredged or fill material does not exceed 1/10-acre in waters of the U.S. Discharges of dredged or fill material and structures associated with the recovery of historic resources are not authorized by this RGP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this RGP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this RGP. The RGP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under Section 402 of the Clean Water Act.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State’s territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 7. Outfall Structures and Associated Intake Structures (Authorities: Sections 10 and 404):

Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this RGP unless they are directly associated with an authorized outfall structure.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: The permittee shall provide a copy of their Section 402 Clean Water Act authorization or exemption as applicable.

Note 2: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- Stormwater outfalls must utilize velocity reducing structures and/or rock aprons to prevent erosion. A vegetative filter strip with a length of at least 25 feet must be established and maintained between the outfall structure and the resource.
- Maintenance clearing of deposited debris and sediments from the outfall area is allowed provided the cleared materials are removed from the resource. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or waterbody. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

RGP-specific condition:

- Permitted outfalls under RGP 7 shall utilize velocity reducing structures and/or rock aprons to prevent erosion.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 11. Temporary Recreational Structures (Authority: Section 10):

Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually.

Note: Coastal structures such as pier sections, floats, etc., 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.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 12. Oil or Natural Gas Pipeline Activities (Authorities: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Oil or natural gas pipelines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines. There must be no change in pre-construction contours of waters of the United States. An "oil or natural gas pipeline" is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including products derived from oil or natural gas, such as gasoline, jet fuel, diesel fuel. heating oil, petrochemical feedstocks, waxes, lubricating oils, and asphalt.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Oil or natural gas pipeline substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities (e.g., oil or natural gas or gaseous fuel custody transfer stations, boosting stations, compression stations, metering stations, pressure regulating stations) associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground oil or natural gas pipelines: This RGP authorizes the construction or maintenance of foundations for above-ground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This RGP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.

This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material may require a section 10 permit.
This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required;

(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States; or

(3) The proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-

construction notification must include the locations and proposed impacts (in acres or other appropriate unit of measure) for all crossings of waters of the United States that require DA authorization, including those crossings authorized by an RGP would not otherwise require pre-construction notification (See general condition 32.).

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Oil or natural gas pipeline activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see RGP 15).

Note 5: This RGP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For RGP 12 activities that require pre-construction notification (PCN), the PCN must include any other RGP(s) or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a PCN, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 8: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of

tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 13. Bank Stabilization (Authorities: Sections 10 and 404):

Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);

(c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;

(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);

(g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;

(h) The activity is not a stream channelization activity; and

(i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events.

This RGP authorizes discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States to incorporate nature-based solutions into new and existing bank stabilization activities to provide habitat and other ecosystem functions and services and to reduce adverse effects of bank stabilization activities on the aquatic environment. Examples of nature-based solutions for bank stabilization activities include the use of construction materials for seawalls and bulkheads

that have textured surfaces, crevices, shelves, benches, and pits that support attachment and growth of benthic organisms; the construction of rock pools next to the bank stabilization activity; the construction of small pocket beaches next to the bank stabilization activity; the use of various sizes of rock for revetments to provide different sizes of spaces between rocks for habitat for various species of organisms; the placement of rock clusters next to a seawall or bulkhead; the placement of large wood next to seawalls, bulkheads, and revetments; and the placement of bags of mollusks or the placement of small reef structures to provide habitat for mollusks and other sessile aquatic organisms next to a seawall, bulkhead, or revetment.

This RGP authorizes those maintenance and repair activities if they require authorization. This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) Involves discharges of dredged or fill material into special aquatic sites;

(2) Is in excess of 500 feet in length; or

(3) Will involve the discharge of dredged or fill material of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line (See general condition 32.).

Note 1: In coastal waters and the Great Lakes, living shorelines may be an appropriate option for bank stabilization, and may be authorized by RGP 54.

Note 2: Under 33 CFR 320.4(g)(2), a landowner has the general right to protect his or her property from erosion, and the district engineer can provide general guidance to the landowner regarding possible alternative methods of protecting his or her property. Permittees are encouraged to use soft bank stabilization approaches (e.g., bioengineering, vegetative stabilization) at sites where those methods are likely to be effective in managing erosion, such as sites where shorelines and banks are subject to moderate to low erosive forces. However, hard bank stabilization activities (e.g., seawalls, bulkheads, revetments, riprap) may be necessary at sites where shorelines and banks are subject to strong erosive forces. An appropriate and effective approach to managing shoreline or bank erosion at a specific site requires consideration of a variety of factors, including but not limited to: bank

height; bank condition; the energy of tides, waves, currents, or other water flows that the bank is exposed to; fetch; nearshore water depths; the potential for storm surges; sediment or substrate type; tidal range in waters subject to the ebb and flow of tides; shoreline configuration and orientation; the width of the waterway; and whether there is infrastructure in the vicinity of the proposed bank stabilization activity that needs to be protected and the degree of protection needed.

Note 3: Bank stabilization below the high tide line or ordinary high water mark shall be no steeper than a 2:1 width to height ratio where applicable. The permittee should submit photographs documenting the erosion that has occurred with their pre-construction notification.

Note 4: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- For projects on rivers, streams, brooks, and lakes, WQC is issued and CZM concurrence is given up to 100 linear feet of bank stabilization. Projects greater than 100 linear feet require individual WQC and CZM review.
- For projects on tidal waters, WQC is issued and CZM concurrence is given up to 250 linear feet of bank stabilization. Projects greater than 250 linear feet require individual WQC and CZM review.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP- specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 14. Linear Transportation Projects (Authority: Sections 10 and 404):

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This RGP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Pre-construction notification required if:

(1) The loss of waters of the United States exceeds 1/10-acre; or

(2) There is a discharge of dredged or fill material in a special aquatic site, including wetlands.

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For RGP 14 activities that require pre-construction notification, the PCN must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be

used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 4: A joint pre-application consultation with the Corps and State Resource Agencies is strongly advised for all activities that involve new or replacement tidal crossings.

Note 5: Activities conducted under GPs involving the replacement or installation of new tidal crossings should comply with the State of Maine's CoastWise Approach. See state website for additional information: https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and

bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- For projects in non-tidal waters, WQC and CZM are only authorized for the discharge of dredged or fill material up to 1/2-acre loss of waters of the U.S. cumulatively across hydrologically connected wetlands or waterbodies.
- For projects in tidal waters, the discharge of dredged or fill material cannot exceed 1/3-acre loss of waters of the United States cumulatively across hydrologically connected wetlands or waterbodies.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 15. U.S. Coast Guard Approved Bridges (Authority: Section 404):

Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under the General Bridge Act of 1946, Section 9 of the Rivers and Harbors Act of 1899, or other applicable laws. Causeways and approach fills are not included in this RGP and will require a separate Clean Water Act Section 404 permit.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions.

RGP 17. Hydropower Projects (Authority: Section 404):

Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 10,000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography

and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- WQC and CZM are only authorized for hydropower projects that would not be constructed on outstanding river segments defined under 12 M.R.S. § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 18. Minor Discharges (Authority: Sections 10 and 404):

Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:
(a) The quantity of discharged dredged or fill material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge of dredged or fill material will not cause the loss of more than 1/10-acre of waters of the United States; and

(c) The discharge of dredged or fill material is not placed for the purpose of a stream diversion.

Pre-construction notification required if:

(1) The discharge of dredged or fill material or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line; or

(2) The discharge of dredged or fill material is in a special aquatic site, including wetlands. (See general condition 32).

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 19. Minor Dredging. (Authority: Sections 10 and 404):

Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters). This RGP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA denied WQC with conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See General Condition 25, Note 1 to apply for an individual WQC.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 20. Response Operations for Oil or Hazardous Substances (Authority: Sections 10 and 404):

Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:

(1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3;

(2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or

(3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This RGP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This RGP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 27. Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities (Authority: Sections 10 and 404):

Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal rivers and streams and their riparian areas, the restoration and enhancement of other non-tidal open waters, and the restoration and enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic ecosystem functions and services.

To be authorized by this RGP, the aquatic ecosystem restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in an aquatic ecosystem that resembles an ecological reference (i.e., a natural ecosystem). An ecological reference may be based on the characteristics of aquatic ecosystems or riparian areas that currently exist in the region, or the characteristics of aquatic ecosystems or riparian area that existed in the region in the past. Ecological references include cultural ecosystems, which are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship for vegetation management). An ecological reference may also be based on regional ecological knowledge, including indigenous and local ecological knowledge, of the target aquatic ecosystem type.

This RGP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic ecosystem functions and services.

This RGP does not authorize: (1) dam removal activities; (2) stream channelization activities; and (3) the conversion of tidal wetlands to open water impoundments and other aquatic uses.

Only native plant species should be planted at the site.

Compensatory mitigation is not required for activities authorized by this RGP because these activities must result in net increases in aquatic ecosystem functions and services.

Reversion. For aquatic ecosystem restoration, enhancement, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), Bureau of Land Management (BLM), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and

Enforcement (OSMRE) or the applicable state agency, this RGP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge of dredged or fill material occurs after this RGP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or an appropriate state cooperating agency. This RGP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity, the permittee or the appropriate federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory Program requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic ecosystem functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this RGP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting:

The permittee must submit a report containing information on the proposed aquatic ecosystem restoration, enhancement, and establishment activity to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this RGP. The report must include the following information:

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

(2) Location of the proposed activity;

(3) Information on baseline ecological conditions at the project site, including a general description and map of aquatic and terrestrial habitat types on that site. The map of existing aquatic and terrestrial habitat types and their approximate boundaries on the project site should be based on recent aerial imagery or similar information, and verified with photo points or other field-based data points for each mapped habitat type;

(4) A sketch of the proposed project elements of the RGP 27 activity drawn over a copy of the map of existing aquatic and terrestrial habitat types on the project site;

(5) A description of the techniques or mechanisms that are proposed to be used to increase aquatic ecosystem functions and services on the project site, and if applicable;

(6) A copy of: (a) the binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement with the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or their designated state cooperating agencies; (b) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (c) the SMCRA permit issued by OSMRE or the applicable state agency.

Note 1: This RGP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this RGP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

Note 2: If an activity authorized by this RGP requires a pre-construction notification because of a RGP general condition (e.g., RGP general condition 18, endangered species) or a regional condition imposed by a division engineer, the information required by paragraph (3) of the Reporting requirement substitutes for the delineation of waters, wetlands, and other special aquatic sites required by paragraph (b)(5) of general condition 32.

Note 3: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 29. Residential Developments (Authority: Sections 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This RGP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this RGP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Pre-construction notification required.

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 2: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/ . (*This is a pending document and will be published on our website when completed.*)

Note 3: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 33. Temporary Construction, Access, and Dewatering (Authority: Sections 10 and 404):

Temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This RGP also authorizes temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- The project proponent must submit to certifying authorities a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions for all waters (navigable and non-navigable) as well as photos once the restoration work is completed.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 38. Cleanup of Hazardous and Toxic Waste (Authority: Section 10 and 404):

Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this RGP. This RGP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 39. Commercial and Institutional Developments (Authority: Section 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this RGP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 2: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 3: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*" for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Note 4: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 41. Reshaping Existing Drainage and Irrigation Ditches. (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage and irrigation ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage or irrigation ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the drainage ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the drainage ditch as originally constructed (i.e., the capacity of the drainage ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This RGP does not authorize the relocation of drainage or irrigation ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage or irrigation ditch must be approximately the same as the location of the centerline of the original drainage or irrigation ditch. This RGP does not authorize stream channelization or stream relocation projects.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 42. Recreational Facilities (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this RGP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This RGP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.

- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 43. Stormwater Management Facilities (Authority: Section 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. Examples of such nature-based solutions include, but are not limited to, stream biofilters, bioretention ponds or swales, rain gardens, vegetated filter strips, vegetated swales (bioswales), constructed wetlands, infiltration trenches, and regenerative stormwater conveyances, as well as other nature-based solutions and other features that are conducted to meet reduction targets established under Total Maximum Daily Loads set under the Clean Water Act.

This RGP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, and nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. The maintenance of stormwater management facilities and nature-based solutions that do not contain waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This RGP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Pre-construction notification required if:

For discharges of dredged or fill material into non-tidal waters of the United States for the construction of new stormwater management facilities or nature-based solutions, or the expansion of existing stormwater management facilities or nature-based solutions, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or nature-based solution.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.

- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 45. Repair of Uplands Damaged by Discrete Events (Authority: Sections 10 and 404):

This RGP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This RGP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this RGP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This RGP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This RGP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12-month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a Clean Water Act Section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This RGP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC denied WQC for projects located within the boundaries of the State of Maine. See General Condition 25, Note 2 to apply for individual WQC.

- EPA denied WQC with conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See General Condition 25, Note 1 to apply for an individual WQC.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP negatively determined the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See General Condition 26, Notes 1 and 2 to apply for an individual WQC.

RGP 46. Discharges in Ditches (Authority: Section 404):

Discharges of dredged or fill material into non-tidal ditches that are (1) constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge of dredged or fill material must not cause the loss of greater than one acre of waters of the United States.

This RGP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This RGP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 48. Commercial Shellfish Mariculture Activities (Sections 10 and 404):

Structures or work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States necessary for new and continuing commercial shellfish mariculture operations (i.e., the cultivation of bivalve mollusks such as oysters, mussels, clams, and scallops) in authorized project areas. For the purposes of this RGP, the project area is the area in which the operator is authorized to conduct commercial shellfish mariculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator. This RGP does not authorize structures or work in navigable waters of the United States or discharges of dredged or fill material into waters of the United States within Washington State.

This RGP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This RGP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.

This RGP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;
(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or
(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer if the activity directly affects more than 1/2-acre of submerged aquatic vegetation. If the operator will be conducting commercial shellfish mariculture activities in multiple contiguous project areas, he or she can either submit one pre-construction notification for those contiguous project areas or submit a separate pre-construction notification for each project area. (See general condition 32.)

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 5: Projects less than or equal to 5 acres in size, should refer to Corps' Maine Aquaculture Programmatic General Permit[1] (NAE-2025-00426) for streamline options.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

[1] The Corps' Maine Aquaculture Programmatic General Permit is proposed and has not been issued at the time of the RGP issuance. Check the Corps website for issuance of the PGP.

RGP 51. Land-Based Renewable Energy Generation Facilities (Authority: Sections 10 and 404):

Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Pre-construction notification required if:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.)

Note 1: Electric utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by RGP 57 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove electric utility lines and/or road crossings, then RGP 57 and/or RGP 14 shall be used if those activities meet the terms and conditions of GPs 57 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 4: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Note 5: Refer to "*Best Practices for Large Scale Developments & Residential Subdivisions*"

for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)
Note 6: Refer to the "*Best Practices for Jurisdictional Determinations and Wetland Delineations",* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.
Coastal Zone Management (CZM) Act Consistency Determination: The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 52. Water-Based Renewable Energy Generation Pilot Projects (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this RGP, the term "pilot project" means an experimental project where the water-based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2-acre limit.

For each single and complete project, no more than 10 generation units (e.g., wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2-acre in water surface area covered by the floating solar panels.

This RGP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another RGP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the RGP authorization if no FERC license is required.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note 1: Electric utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by RGP 57 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate review and/or approval from the Corps under 33 U.S.C. 408.

Note 3: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under section 10 of the Rivers and Harbors Act of 1899.

Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 6: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-construction notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 7: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.
- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 53. Removal of Low-Head Dams (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.

For the purposes of this RGP, the term "low-head dam" is generally defined as a dam or weir built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest and does not have a separate spillway or spillway gates, but it may have an uncontrolled spillway. The dam crest is the top of the dam from left abutment to right abutment. A low-head dam may have been built for a range of purposes (e.g., check dam, mill dam, irrigation, water supply, recreation, hydroelectric, or cooling pond), but in all cases, it provides little or no storage function.

The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this RGP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure that the authorized activity results in no more than minimal adverse environmental effects.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Note: This RGP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. General permit 27 or other Department of the Army permits may authorize such activities. This RGP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by RGP 13 or other Department of the Army permits.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 54. Living Shorelines (Authority: Sections 10 and 404):

Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural "soft" elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures, but a portion of a living shoreline may consist of an unvegetated cobble, gravel, and/or sand beach, (i.e., a pocket beach).

The following conditions must be met:

(a) The structures and fill area, including cobble, gravel, and/or sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(c) Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;

(d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity and elevation, must be used if the site is planted by the permittee;

(e) Discharges of dredged or fill material into waters of the United States, and oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;

(f) If sills, breakwaters, or other structures must be constructed to protect fringe wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;

(g) The activity must be designed, constructed, and maintained so that it has no more than minimal adverse effects on water movement between the waterbody and the shore and the

movement of aquatic organisms between the waterbody and the shore; and

(h) The living shoreline must be properly maintained, which may require periodic repair of sills, breakwaters, or reefs, or replacing cobble, gravel, and/or sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This RGP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions. This RGP does not authorize beach nourishment or land reclamation activities.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer prior to commencing the construction of the living shoreline. (See general condition 32.) The pre-construction notification must include a delineation of special aquatic sites (see paragraph (b)(4) of general condition 32). Pre-construction notification is not required for maintenance and repair activities for living shorelines unless required by applicable RGP general conditions or regional conditions.

Note 1: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by RGP 13.

Note 2: Permittees are encouraged to coordinate early with the Corps and/or request a pre-application meeting with Corps, State of Maine, and EPA.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and a RGP-specific condition for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific condition:

- Project proponents must submit to the certifying authorities a detailed site description, site plan, photos of pre-construction conditions, as-built plans, and post-construction photos within 20 days of project completion.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and a RGP-specific condition with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 55. Seaweed Mariculture Activities (Sections 10):

Structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities. This RGP also authorizes structures for bivalve shellfish mariculture if shellfish production is a component of an integrated multitrophic mariculture system (e.g., the production of seaweed and bivalve shellfish on the same structure or a nearby mariculture structure that is part of the single and complete project) that does not include an enclosure or impoundment.

This RGP authorizes the installation of buoys, long-lines, floats, anchors, rafts, racks, and other similar structures into navigable waters of the United States. Rafts, racks and other floating structures must be securely anchored and clearly marked. To the maximum extent practicable, the permittee must remove these structures from navigable waters of the United States if they will no longer be used for seaweed mariculture activities or multi-trophic mariculture activities.

Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

This RGP does not authorize:

(a) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody; or (b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.

Pre-construction notification required:

The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.)

In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information:
(1) a map showing the locations and dimensions of the structure(s);
(2) the name(s) of the species that will be cultivated during the period this RGP is in effect; and
(3) general water depths in the project area(s) (a detailed survey is not required). No more than one preconstruction notification per structure or group of structures should be submitted for the seaweed mariculture operation during the effective period of this RGP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this RGP.

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 5: Projects less than or equal to 5 acres in size, should refer to Corps' Aquaculture Maine Programmatic Agreement[2] (NAE-2025-00426) for streamline options.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

- EPA granted WQC without conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

[2] The Corps' Maine Aquaculture Programmatic General Permit (PGP) is proposed and has not been issued at the time of the RGP issuance. Check the Corps website for issuance of the PGP.

RGP 57. Electric Utility Line and Telecommunications Activities. (Authority: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Electric utility lines and telecommunication lines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and telecommunication lines. There must be no change in pre-construction contours of waters of the United States. An "electric utility line and telecommunication line" is defined as any cable, line, fiber optic line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line crossing of each waterbody.

Electric utility line and telecommunications substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors: This RGP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This RGP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize

discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the electric utility line activity. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required; or
(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.).

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the ‘as-built drawings’ and the geographic

Coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For electric utility line or telecommunications activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Electric utility line and telecommunications activities must comply with 33 CFR 330.6(d).

Note 3: Electric utility lines or telecommunication lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the electric utility line or telecommunication line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: This RGP authorizes electric utility line and telecommunication line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For overhead electric utility lines and telecommunication lines authorized by this RGP, a copy of the pre-construction notification and RGP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 7: For activities that require pre-construction notification, the pre-construction notification must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the pre-construction notification in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 8: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.
- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 58. Utility Line Activities for Water and Other Substances (Authority: Sections 10 and 404):

Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by GPs 12 or 57, respectively. This RGP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This RGP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this RGP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This RGP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This RGP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This authorizes the construction of access roads for the construction and

maintenance of utility lines, including utility line substations, in nontidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This RGP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This RGP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This RGP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this RGP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. 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. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Pre-construction notification required if:

(1) A section 10 permit is required; or
(2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States (See general condition 32.)

Note 1: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this RGP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see RGP 15).

Note 5: This RGP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require pre-construction notification, the pre-construction notification must include any other RGP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the pre-construction notification in accordance with Section V, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: To ensure avoidance and minimization, any buried utility line crossings shall be installed perpendicular to the stream course to the maximum extent practicable. The installation of trench plugs or other similar BMPs shall be utilized to prevent draining of waters of the U.S. from trenching activities.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event. Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.
- WQC and CZM is only authorized for transmission lines or pipelines that would not be constructed on outstanding river segments defined under 12 M.R.S § 403 and 38 M.R.S. § 480-P. Projects proposed in outstanding river segments require individual WQC and CZM review.
- Loss of waters of the United States cannot exceed 1/2-acre cumulatively across hydrologically connected wetlands or waterbodies.
- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP 60. Activities to Improve Passage of Fish and Other Aquatic Organisms (Authority: Sections 10 and 404):

Discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States for activities that restore or enhance the ability of fish and other aquatic organisms to move through aquatic ecosystems. Examples of activities that may be authorized by this RGP include, but are not limited to: the construction, maintenance, or expansion of conventional and nature-like fishways; the construction or expansion of fish bypass channels around existing in-stream structures; the replacement of existing culverts or low-water crossings with culverts planned, designed, and constructed to restore or enhance passage of fish and other aquatic organisms; the installation of fish screens to prevent fish and other aquatic organisms from being trapped or stranded in irrigation ditches and other features; the modification of existing in-stream structures, such as dams or weirs, to improve the ability of fish and other aquatic organisms to move past those structures.

The activity must not cause the loss of greater than one acre of waters of the United States.

This RGP does not authorize dam removal activities.

Pre-construction notification required if:

For activities resulting in the loss of greater than 1/10-acre of waters of the United States, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- The width of a crossing shall have a diameter of ≥1.2 times bank full width and, once embedded, have an opening for water at least 3 times the cross-sectional area of the stream.
- To the greatest extent practicable, culvert installation must not disturb the stream's natural structure and work in the stream must be minimized.
- The culvert must follow the course and grade of the stream channel to the greatest extent possible.
- The slope of a year-round stream must be 2% or less (a 2.4-inch drop over 10 feet of stream bed) to use a culvert.
- Culverts shall be sized to prevent perching and pooling and let fish and wildlife pass without additional effort or delay. Culverts located in special flood hazard areas must be designed and constructed to provide an opening sufficient in size and structure to accommodate flow from a 100-year frequency storm event.

- Project proponents can reference the FEMA Map Service Center at msc.fema.gov to determine whether a study has been conducted in their community.
- Projects involving waterway crossings must submit a crossing plan to the certifying agencies that includes the location, crossing type, stream morphology, hydrology, stream bed and banks, aquatic resources, utilities, temporary access and dewatering, erosion and sediment control, stream bed reconstruction, mitigation measures, and bank stabilization techniques. In order to effectively size and configure crossings in navigable waters, new and replacement crossings shall consider factors including but not limited to: local tidal elevations over the range of tidal heights, basin topography and bathymetry, existing and proposed road elevations, flood risk tolerance, conditions of habitat and natural community types present, and sea level rise during the useful life of the crossing.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP A. Boat Ramps (Authorities: Sections 10 and 404):

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

(a) The discharge of dredged or fill material into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and

(e). Fill material cannot cause the loss of over 2,000 square feet of special aquatic sites.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another a regional general permit or an individual permit.

Pre-construction notification required if:

(1) The discharge of dredged or fill material into waters of the United States exceeds 50 cubic yards;

(2) The boat ramp exceeds 20 feet in width; or

(3) The project includes a discharge of fill material into a special aquatic site.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- WQC and CZM are only given for public boat ramps. Private boat ramps require individual WQC and CZM review.
- WQC and CZM are only given for projects that are not proposed for areas in, on, or over emergent marsh vegetation or intertidal mudflat. Projects proposed for areas in, on, or over emergent marsh vegetation or intertidal mudflat require individual WQC and CZM review.
- Machinery may operate below the water line only when necessary to excavate or place material below the existing water level and must travel and operate on temporary mats or portions of the ramp that have been constructed.

- Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S. §§ 1301 et seq.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP B. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Relocation, Rock & Debris Removal, and Recreational Beach Grading & Raking (Authorities: Section 10 and Section 404):

(a) New dredging up to 1/2 acre, unless the district engineer waives this area limit by making a written determination concluding the work will result in no more than minimal adverse environmental effects; **(b)** Maintenance and/or Improvement dredging within previously authorized areas; **(c)** In-water disposal of dredged material within previously authorized disposal sites & confined aquatic disposal (CAD) cells, for beach nourishment, or unconfined open water disposal (excluding offshore or ocean disposal and the transport thereof pursuant to 33 CFR Part 324); **(d)** beach nourishment not associated with dredging; **(e)** rock relocation; **(f)** rock and debris (i.e., pieces of concrete, wood, derelict structures, abandoned or sunken vessels, artificial materials, refuse, and similar materials) removal; **(g)** and recreational beach grading and raking.

Pre-construction notification required if:

1) The activities are conducted under categories (a), (c), and (d) above; or
2) The dredging is conducted under category (b) above and exceeds 1/10-acre footprint; or
3) Disposal of the dredged material in its entirety does not occur solely in uplands; or
4) Rock relocation or removal exceeds 25 cubic yards.

New Dredging: For the purposes of this RGP, new dredging means the specific area (i.e. footprint) has not been dredged previously, or dredging has not been previously authorized by the Corps, or dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Improvement Dredging: For the purposes of this RGP, improvement dredging means dredging in a previously authorized currently serviceable area where dredging has occurred in the recent past. The proposed dredging will occur within the same footprint, but will be to depths greater than previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Maintenance Dredging: For the purposes of this RGP, maintenance dredging means dredging in a previously authorized currently serviceable area where dredging has occurred. The proposed dredging will occur within the same footprint and to depths not exceeding that which has been previously authorized by the Corps. The Corps may consider an improvement activity as new dredging if dredging has not occurred for an extended period of time such that it is no longer currently serviceable. In these cases, sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Note 1: The Corps will require documentation of prior authorization and previous dredging that occurred as necessary. Dredging typically refers to removal of accumulated sediment for navigational purposes to establish or maintain design depths of navigation channels, harbors, marinas, boat launches, port facilities, and similar features. Maintenance dredging is conducted for navigational purposes and does not include any expansion of the previously dredged area. The Corps may consider a maintenance activity as new dredging if sufficient time has elapsed to allow for the recolonization of native biota, such as macroinvertebrates, SAV, shellfish, etc. See definition of currently serviceable.

Note 2: Activities including the transport & disposal of dredged material offshore within ocean waters will require Section 103 MPRSA authorization and are not authorized under this General Permit. These activities shall follow special procedures outlined in 33 CFR 324.4. Evaluation shall follow the criteria established by the Administrator of EPA pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 (40 CFR parts 220-229).

Note 3: A pre-application consultation is strongly advised for all activities that involve in water disposal of dredged material to determine requirements for sampling and analysis plans (SAPs) and obtaining the suitability determination (SD).

Note 4: Refer to New England District Dredge Procedures for guidance on the permitting process for this RGP activity, which can be found on the Corps webpage at: https://www.nae.usace.army.mil/Missions/Regulatory/Dredged-Material-Program/.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- Projects involving dredging and excavation must submit a dredging and excavation plan to the certifying authorities that includes information on material types and quantities, hazard assessment, site characterization, staging area location(s), dewatering and treatment, disposal, containment controls, erosion and sediment control, and site restoration.
- WQC and CZM are only given in areas with no known historical contamination that would pose elevated risk to human health and aquatic life under 06-096 C.M.R. ch. 584.
- Maintenance and/or improvement dredging must be less than 50,000 cubic yards.
- Wheeled or tracked equipment may not be operated in the water.
- Beach nourishment may extend up to the frontal dune, including up to the top of an erosional scarp, but may not cover in-place dune vegetation. Maine Coastal Sand Dune Geology: https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm.

- For a beach nourishment project, the total volume of sand and gravel to be placed on the beach may not exceed a volume of two feet deep over the surface area of the beach or 10,000 cy, whichever is less.

- EPA granted WQC with general conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

RGP C. Structures and Moorings in Navigable Waters of the U.S. (Authority: Section 10 and Section 404):

New, expansions, replacement, removal, reconfigurations, or modifications of structures within navigable waters of the U.S., including but not limited to temporary/seasonal or permanent pile- and crib-supported piers, gangway ramps, floats, stairs, dolphins, shore haul outs, moorings, boat & float lifts. Discharges of fill material that are associated with the construction of such structures (e.g., poured concrete footings, etc.) that do not exceed 1/10 in waters of the U.S. This RGP does not authorize artificial reefs and new marinas, unless the district engineer waives this limitation by making a written determination concluding the work will result in no more than minimal adverse environmental effects.

Pre-construction notification required if:

(1) There are multiple new commercial or rental moorings;

(2) The piles cannot be installed "in the dry" (i.e. below the mean low water and/or during periods of high tide that leave the site submerged);

(3) New piers, ramps, and floats exceed a total of 1,000 square feet below the MHW; or

(4) Structure(s) extend greater than 25 percent of the waterway width, as measured from mean low water.

Note 1: Structures with no discharges of dredged or fill material are not regulated by the Corps in non-navigable waters.

Note 2: Seasonal storage of structures in navigable waters, e.g., in a protected cove, requires prior Corps approval.

Note 3: Minor relocation of previously authorized moorings requires no additional authorization so long as all general conditions of the general permit are met.

Note 4: Low impact mooring systems, including conservation moorings, are encouraged to minimize impacts of chain scouring from conventional moorings during the tidal cycle. Existing, authorized moorings that are converted from traditional moorings to low impact mooring technology and/or helical anchors do not need further authorization.

Note 5: Coastal structures such as pier sections, floats, etc., 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.

Section 401 Water Quality Certification (WQC):

- MEDEP and LUPC granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of the State of Maine. See Section II above for general conditions.

RGP-specific conditions:

- WQC and CZM are not given for proposed structures within a coastal sand dune system. Structures in a sand dune system would require individual WQC and CZM review. Maine Coastal Sand Dune Geology: https://www.maine.gov/dacf/mgs/pubs/digital/dunes.htm.
- WQC and CZM are not given for new permanent structures greater than 100 linear feet over tidal wetlands. New permanent structures greater than 100 linear feet over tidal wetlands would require individual WQC and CZM review.
- Dimensions of replacement structures in wetlands must be minimized and any disturbed wetlands must be re-established upon completion of the activity and must be maintained.
- Wheeled or tracked equipment may not be operated in the water.

- EPA granted WQC with general conditions and RGP-specific conditions for projects located within the boundaries of an Indian Reservation and Acadia National Park. See Section II above for general conditions.

RGP-specific condition:

- This grant with conditions is for structures in non-wetland waters of the United States. For work that proposes installation of new structures in wetlands, an individual water quality certification will be required.

Coastal Zone Management (CZM) Act Consistency Determination:

The MCP concurred with general and RGP-specific conditions with the Corps federal consistency determination for areas that are from the inland boundary of coastal municipalities or unorganized townships or plantations that contain tidal waters seaward to the outer limit of the State's territorial ownership, three nautical miles from the baseline from which the territorial sea is measured. See Section II above for general conditions and see MEDEP and LUPC WQC RGP-specific conditions above.

SECTION IV: General Conditions

To qualify for RGP authorization, the prospective permittee must comply with the following general conditions (GCs), as applicable. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an RGP.

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

1. Navigation.

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

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

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

(d) Aquaculture:

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

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

The applicant shall provide the following information to facilitate completion of the NRA: applicant name/company affiliation, license/lease type (commercial, research, shellfish, kelp, new or modified), nautical chart, detailed drawing with dimensions, time of year, potential lighting/marking, types/materials of structures in water, planned anchoring, cultivation techniques (number of weekly/monthly visits, vessel tending/type), and any other significant information.

If the applicant receives a medium- or high-risk assessment, they shall coordinate with the Corps and apply safety risk mitigations. The USCG will refer the project to the Corps unless the Corps makes the determination that it may proceed.

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. For required permitting, the applicant shall contact USCG First District Private Aid Program Manager through D01-SMB-D01PrivateAtoN@uscg.mil. Only actual AtoNs are permitted; floats, balls, markers, mooring balls and ‘highflier flags’ are not considered Aids to Navigation (AtoN). See: http://www.usharbormaster.com.

Applicants shall notify NOAA’s National Ocean Service (NOS) Nautical Data Branch Office of Coast Survey to initiate chart and Coast Pilot corrections. See:

https://nauticalcharts.noaa.gov/. Applicants must also notify NOAA on removal. See Note 2 below.
ii. For marine safety information during construction or other significant periods, applicants may use the First District's Marine Safety Information form and email to: D01-SMB-LNM@uscg.mil.

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

Note 2: For nautical chart and coast pilot updates, activities owners should use the status report form at https://nauticalcharts.noaa.gov/charts/docs/charts-updates/USACE+Permit+Status+Report.pdf. For aquaculture activities owners should use: https://nauticalcharts.noaa.gov/charts/docs/charts-updates/Artificial+Reef+Aquaculture+Status+Report.pdf to notify the Office of Coast Survey of the project completion. The form should be emailed to ocs.ndb@noaa.gov and should include a copy of as-built drawings.

Note 3: There shall be no unreasonable interference with navigation by the existence or use of any activity authorized by any RGP, and no attempt shall be made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to any activity authorized by any RGP.

2. **Aquatic Life Movements.**

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

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

3. **Spawning Areas.**

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

4. **Migratory Bird Breeding Areas.**

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

5. **Shellfish Beds.**
   No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by RGPs 4, 48, 55 or is a shellfish seeding or habitat restoration activity authorized by RGP 27.

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

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

7. **Water Supply Intakes.**

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

8. **Adverse Effects From Impoundments.**

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

   Note: Permanent wetland crossings shall be constructed in such a manner as to prevent excessive ponding or drying on either side of the authorized crossing after completion of the work. Measures shall be taken to maintain the existing hydrology. Such measures may include road cross drains such as culverts that are appropriately sized and placed at intervals to maintain the existing hydrology of the contiguous wetland.

9. **Management of Water Flows.**

   To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream

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

10. Fills Within 100-Year Floodplains.

The activity must comply with applicable FEMA approved state or local floodplain management requirements.

11. Equipment.

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

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

Note 1: Compliance with this condition may be achieved through the implementation of best management practices outline in NAE's "*Construction Mat BMPs*" document available at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/.

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

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

12. Soil Erosion and Sediment Controls.

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

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

13. Removal of Temporary Structures and Fills.

Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The affected areas must be revegetated, as appropriate.

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

14. Proper Maintenance.

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

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

15. Single and Complete Project.

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

16. Wild and Scenic Rivers.

(a) No RGP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible

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

(b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the pre-construction notification with the Federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status.

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

Note: See also: General Condition 33(c), Additional PCN Requirement (Wild and Scenic Rivers).

17. Tribal Rights.

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

18. Federal Threatened and Endangered Species.

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

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has

been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

Note: Federal agencies should refer to "*Multiple Federal Agency & Lead Federal Agency Best Practices"* when a Corps permit is required, which can be found on the Corps webpage at: www.nae.usace.army.mil/Missions/Regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the RGPs.

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

modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal permittee should provide a copy of that ESA section 10(a)(1)(B) permit with the pre-construction notification required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed RGP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete preconstruction notification whether the ESA section 10(a)(1)(B) permit covers the proposed RGP activity or whether additional ESA section 7 consultation is required.

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

19. Migratory Birds and Bald and Golden Eagles.

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

20. Historic Properties.

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

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed RGP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that

the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

Note: Federal agencies should refer to "*Multiple Federal Agency & Lead Federal Agency Best Practices"* when a Corps permit is required, which can be found on the Corps webpage at: www.nae.usace.army.mil/Missions/Regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the RGP activity might have the potential to cause effects on any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed RGP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the pre-construction notification and these identification efforts, the district engineer shall determine whether the proposed RGP activity has the potential to cause effects on historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

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

non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

Note: To comply with GC 20 above, the *State Historic Preservation Office & Tribal Scoping Request* template should be submitted to the Maine Historic Preservation Commission and the Federally Recognized Tribes and included in the PCN submission to the Corps, which can be found on the Corps website. Also, the document titled "*Best Practices for Historic Properties & Cultural Resources"* is also found on the Corps website at: https://www.nae.usace.army.mil/Missions/Regulatory/. (*The above documents are pending and will be published on our website when completed. Please continue to notify the MHPC and THPOs through current practices.*)

21. Discovery of Previously Unknown Remains and Artifacts.

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

22. Designated Critical Resource Waters.

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

engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by RGPs 7, 12, 17, 29, 39, 42, 43, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For RGPs 3, 13, 15, 18, 19, 27, 33, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these RGPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation.

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

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

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

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

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

by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, because streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for RGP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

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

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

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

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

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the RGP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

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

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

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the RGPs. For example, if an RGP has an acreage limit of ½-acre, it cannot be used to authorize any RGP activity resulting in the loss of greater than ½ -acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an RGP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the RGPs.

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

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may

be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

Note 1: In addition to the requirements of GC 23 above - *Mitigation*, compensatory mitigation requirements for unavoidable impacts to waters of the U.S. will be evaluated in accordance with the current *New England District Compensatory Mitigation Standard Operating Procedures* (April 26, 2024) and any superseding versions thereof (https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/).

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

24. Safety of Impoundment Structures.

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

25. Water Quality.

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

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

certification requirement has been satisfied (i.e., by the issuance of a water quality certification or a waiver and completion of the Section 401(a)(2) process).

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

Note 1: For information concerning how to apply to EPA for a Water Quality Certification for activities located within a Indian Reservation and Acadia National Park, please see: https://www.epa.gov/cwa-401/resources-when-epa-acts-certifying-authority-under-section-401 and/or contact: R1CWA401@epa.gov.

Note 2: For information concerning how to apply to LUPC or MEDEP for a Water Quality Certification, please see: https://www.maine.gov/dep/water/wd/wqc/.

26. Coastal Zone Management.

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

Note 1: If an individual state coastal zone management consistency concurrence is required, applicants should submit a determination of consistency (see 15 CFR 930 Subpart C) or a consistency determination to the state (see 15 CFR 930 subpart D) at the same time as the PCN is submitted to the Corps, or shortly thereafter.

Note 2: For information concerning how to apply to the Maine Office of Community Affairs for a coastal zone management consistency certification, please see: https://www.maine.gov/dmr/programs/maine-coastal-program/federal-consistency-review.

27. Regional and Case-By-Case Conditions.

The activity must comply with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Regional General Permits.

The use of more than one RGP for a single and complete project is authorized, subject to the following restrictions:

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

(b) If only one of the RGPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed that specified acreage limit. For example, if a road crossing over tidal waters is constructed under RGP 14 (which has an acreage limit of 1/3 acre in tidal waters), with associated bank stabilization authorized by RGP 13 (which does not have a specified acreage limit), the maximum acreage loss of waters of the United States for the total project cannot exceed 1⁄3-acre.

(c) If two or more of the RGPs used to authorize the single and complete project have specified acreage limits, the acreage loss of waters of the United States authorized by each of those RGPs cannot exceed the specified acreage limits of each of those RGPs. For example, if a commercial development is constructed under RGP 39 (which as a 1/2-acre limit), and the single and complete project includes the filling of a ditch authorized by RGP 46 (which has a 1-acre limit), the maximum acreage loss of waters of the United States for the construction of the commercial development under RGP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States caused by the combination of the RGP 39 and RGP 46 activities cannot exceed 1 acre.

29. Transfer of General Permit Verifications.

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

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

_____ _____
(Transferee)

_____
(Date)

30. Compliance Certification.

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

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

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

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

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

If an RGP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification.

Note: Refer to the New England District's Section 408 Program webpage that can be found at: https://www.nae.usace.army.mil/Missions/Section-408/. See also: Regional Condition 33(b), Additional PCN Requirement (Federal Projects).

32. Pre-Construction Notification.

(a) Timing. Where required by the terms of the RGP, the prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information

necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the RGP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

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

(2) Location of the proposed activity;

(3) Identify the specific RGP or RGP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the RGP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental

effects caused by the proposed activity; and any other RGP(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

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

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

(5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate. For RGP 27 activities that require PCNs because of other general conditions or regional conditions imposed by division engineers, see Note 2 of that RGP;

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

(a) Wetlands should be delineated in accordance with the Corps Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information can be found at: www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands and https://www.usace.army.mil/Media/Announcements/Article/4262089/1-august-2025-us-army-corps-of-engineers-enhances-aquatic-resource-delineation/.
(b) Refer to the “Best Practices for Jurisdictional Determinations and Wetland Delineations,” which can be found on the Corps webpage at:

https://www.nae.usace.army.mil/missions/regulatory/. (*This is a pending document and will be published on our website when completed.*)

(c) The ordinary high water mark should be delineated (on both sides) when streams, rivers, non-tidal open waters are present on the project site. Ordinary high water mark guidance can be found in RGL 05-05 (https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll9/id/1253). For complex, atypical, or problematic sites see: https://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/486085/ordinary-high-water-mark-ohwm-research-development-and-training/.

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

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

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

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

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

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

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

Note: Refer to the “*Best Practices for 408 Procedures”,* which can be found on the Corps webpage at: https://www.nae.usace.army.mil/missions/regulatory/state-general-permits/maine-general-permit/.

(c) Form of Pre-Construction Notification: The regional general permit pre-construction notification form (Form ENG 4342) should be used for RGP PCNs. A letter containing the required information may also be used. All PCN forms shall be submitted to the Maine Project Office via email:cenae-r-me@usace.army.mil.

(d) Agency Coordination:

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

(2) Agency coordination is required for:
(i) all RGP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States;
(ii)RGP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and
(iii) RGP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters.
(iv) All activities that require a waiver.

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

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

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

(5) Applicants will submit necessary documents and files to the Corps electronically via email at cenae-r-me@usace.army.mil or using the RRS at https://rrs.usace.army.mil/rrs

(6) The USACE will require additional information not listed here be provided with the PCN if necessary for compliance with other federal laws.

33. PCN Summary Table.

The following activities may require a PCN regardless of the terms of the applicable RGP. Please read the applicable GC to determine if a PCN is required.

Exceedance of loss thresholds within streams, non-tidal and tidal wetlands, tidal submerged aquatic vegetation, mudflats, and intertidal areas	See GC 33 - a
Located within or the vicinity of a Federal Project	See GC 33 - b
Located within or the vicinity of a Wild and Scenic River	See GC 33 - c
Involving discharges of temporary fill material	See GC 33 - d
Located within Vernal Pools	See GC 33 - e
Involving slip lining	See GC 33 - f
Activities within Time-of-Year Restrictions	See GC 33 - g
Located within the Saint John and Saint Croix River basins (Maine)	See GC 33 - h
Authorized by RGP 48, Commercial Shellfish Mariculture Activities and within the State of Maine > 5	See GC 33 – i
Additional aquatic resource protection - activities within Important Rare Resources	See GC 33 - j
Involving stream crossings	See GC 33 - k

(a) Additional PCN Requirement (Specific Resources):

A PCN is required for any proposed activities which would result in the loss of waters of the United States[3] that exceed the listed thresholds to the following aquatic resources if not already required by the RGP.

Aquatic Resource:	**Threshold:**
Non-tidal Wetlands	4,356 square feet (0.1 acre)
Tidal and Non-Tidal Stream	200 linear feet or 0.03 acre (whichever is less)
Tidal Wetland	500 square feet
Tidal Submerged Aquatic Vegetation (SAV)	25 square feet
Mudflat	1,000 square feet
Intertidal	1,000 square feet

(b) Additional PCN Requirement (Federal Projects):

A PCN is required for any proposed activities which would involve the temporary or permanent occupation of, or alteration of, a federal project (including, but not limited to, a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States). This includes all structures and work in, over, or under a Corps' federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance three times the FNP's authorized depth.

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

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

A PCN is not required if an applicant has previously obtained a Section 408 permission for their proposed activities, or a determination from the Corps that a Section 408

[3] See Section VI – Definitions and Acronyms for loss of Waters of the United States.

permission is not required for their proposed activities, and the proposed activities qualify for a non-notifying RGP.

(c) Additional PCN Requirement (Wild and Scenic Rivers):

A PCN is required under GC 16, Wild and Scenic Rivers, and for: 1) any proposed activities which would be located in and within 0.25 mile up or downstream of a Wild and Scenic River (WSR) segment, or in tributaries within 0.25 mile of a WSR segment; 2) any proposed activities which would be located in wetlands within 0.25 mile of a WSR segment; and 3) any proposed activities that have the potential to alter free-flowing characteristics in a WSR segment. Applicants should utilize http://www.rivers.gov/ for the most up-to-date WSR designations.

Note: Applicants may coordinate with the Federal agency that has direct management responsibility of the WSR segment or tributary their proposed activity would be within 0.25 mile of prior to submitting a PCN to the Corps. If that Federal agency determines that the proposed activity would not adversely affect the subject WSR, a PCN is not required to be submitted.

(d) Additional PCN Requirement (Temporary Fills):

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

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

Note 2: For linear projects, crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization (33 CFR 330.2(i)). Therefore, each crossing of a water of the U.S., including wetlands could have up to 0.1 acre of temporary fill without requiring the submittal of a PCN.

(e) Additional PCN Requirement (Vernal pools):

A PCN is required for any proposed discharges of dredged or fill material within a vernal pool depression which has been determined to be a water of the U.S. For information

on vernal pools, please visit:
https://www.nae.usace.army.mil/Missions/Regulatory/Vernal-Pools/

Note: Please note that the state may regulate additional vernal pools that the Corps does not.

(f) Additional PCN Requirement (Slip-Lining):

A PCN is required for any proposed activity which involves slip-lining a stream crossing that is not currently meeting the stream crossing BMPs found in GC 33(k) below (e.g., slip-lining and invert-lining).

(g) Additional PCN Requirement (In Water Work Time-of-Year Windows and Restrictions):

In-water work (including physical alterations) within non-tidal and tidal waters, shall be conducted during the following time-of-year (TOY) work windows (see below table). Approval to work outside the TOY work windows must be obtained from the Maine Department of Inland Fisheries and Wildlife (IFW) using the form located at: https://www.maine.gov/dep/land/permits/pbr/index.html for work in non-tidal waters or from the Maine Department of Marine Resources (DMR): https://www.maine.gov/dep/land/permits/pbr/index.html for work in tidal waters. If in-water work cannot be completed during the TOY work window or approval to work outside the TOY work window from IFW or DMR is not obtained, then the project requires a PCN and written verification removing the below requirements. If a PCN is required, due to RGP thresholds and/or other general and/or regional conditions, then the state's approval for working outside the TOY restriction shall be submitted with the PCN.

	TOY Work Restriction	TOY Work Window
Non-tidal Waters	Oct. 2 to Jul. 14	Jul. 15 to Oct 1.
Tidal Waters	Apr. 16 to Nov. 14	Nov. 15 to Apr. 15

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

(h) Additional PCN Requirement (Saint John and Saint Croix River basins):

A PCN is required for any proposed work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission. In addition, a PCN is required if any temporary or permanent use, obstruction, or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side

of the boundary; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

(i) Additional PCN Requirement (RGP 48, Commercial Shellfish Mariculture Activities):

A PCN is required for any activities proposed under RGP 48 which would install gear for a commercial shellfish operation within a site greater than 5 acres in size.

(j) Additional PCN Requirement (Important or Rare Resources):

A PCN is required if a discharge of dredged or fill material is proposed within any of the following aquatic resources or resource types identified as specifically important or rare within the State of Maine that warrant additional protections:

1. Lakes and tributaries that support arctic char and lake whitefish; or
2. Bogs and fens

(k) Additional PCN Requirement (Activities that do not meet the Stream Crossing BMPs):

A PCN is required for any proposed stream crossing activities that cannot comply with the below “Stream Crossing Best Management Practices (BMPs)” unless the district engineer provides the applicant written verification removing the below requirements.

1. The width of the crossing shall be greater than or equal to 1.2 times the bank full width.
2. The crossing shall be embedded greater than or equal to 2 feet and/or at least 25 percent of the conveyance’s height.
3. The crossing shall be constructed with a natural bottom substrate, as applicable.
4. The crossing shall match the gradient (i.e., slope) of the natural stream channel profile.
5. The crossing shall meet an openness ratio of greater than 0.82 feet.

For proposed stream crossings that cannot implement the above BMPs, the applicant should first coordinate with the appropriate state office to obtain required or recommended alternate stream crossing BMPs, prior to submitting a PCN to the Corps. If a stream crossing is designed to meet the standards required or recommended by the appropriate state agency for which the proposed activity is located within, those standards can serve in-lieu of these BMPs and submittal of a PCN is not required.

Note: Below are links to the stream crossing standards/guidelines for Maine that have published such standards/guidelines. Applicants are highly encouraged to contact their state for additional information regarding those requirements and/or recommendations, as state requirements may be more stringent than the above listed BMPs.

Maine Interagency Stream Crossing Guidelines: (https://www.nae.usace.army.mil/Missions/Regulatory/) - (*This is a pending document and will be published on our website when completed.*)

CoastWise: (https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/CoastWiseManualJuly2023_updated.pdf)

34. Essential Fish Habitat (EFH):

Essential Fish Habitat (EFH) is defined as those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802).
The following GPs have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the RGP as applicable to the activity, including all activity thresholds and activity-specific Conservation Recommendations (CRs) identified in the current EFH and Fish and Wildlife Coordination Act (FWCA) Programmatic Consultation (https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/).
For non-Federal applicants whose proposed activities would be located within EFH and that do not require a PCN per the language of the RGP or per any other general or regional condition (i.e., non-notifying), the applicant shall review the current EFH and FWCA Programmatic Consultation (https://www.nae.usace.army.mil/Missions/Regulatory/Essential-Fish-Habitat/) to ensure their proposed activity complies with all applicable CRs.

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

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

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

Note 1: For activities proposed for authorization by an RGP that requires the submittal of a PCN, applicants are encouraged to review the current EFH and FWCA Programmatic

Consultation and design their proposed activities with the activity-based thresholds and incorporate applicable CRs.

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

35. **Invasive Species:**
The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or into areas adjacent to the project site caused by the site work shall be prevented. Native, non-invasive vegetation must be used for revegetation unless otherwise authorized by the Corps, and shall not contain any species listed in Appendix K ("Invasive and Other Unacceptable Plant Species") of the current *New England District Compensatory Mitigation Standard Operating Procedures* and any superseding versions thereof (https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/). Information about how to avoid the spread of invasive species can be found at: https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species.

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

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

38. **Expiration of Regional General Permits:**
If an RGP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e, are under construction) or are under contract to commence in reliance upon an RGP will remain authorized provided the activity is completed within twelve months of the date of an RGP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization. Activities completed under the authorization of an RGP which was in effect at the time the activity was completed continue to be authorized by that RGP.

Section V: District Engineer's Decision

1. In reviewing the pre-construction notification for the proposed activity, the district engineer will determine whether the activity authorized by the Maine General Permit will result in more than minimal individual or cumulative adverse environmental effects or maybe contrary to the public interest. If a project proponent requests authorization by a specific General Permit, the district engineer should issue the General Permit verification for that activity if it meets the terms and conditions of that General Permit, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require pre-construction notifications to determine whether they individually satisfy the terms and conditions of the RGP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by a RGP. If an applicant requests a waiver of an applicable limit, the district engineer will only grant the waiver upon a written determination that the RGP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the RGP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by a RGP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the RGP activity, the type of resource that will be affected by the RGP activity, the functions provided by the aquatic resources that will be affected by the RGP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the RGP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add activity-specific conditions to the RGP authorization to address site-specific environmental concerns.

3. If the proposed RGP activity includes a loss of waters greater than the thresholds outlined in the New England Compensatory Mitigation Guidance, the prospective permittee should submit a mitigation proposal with the pre-construction notification. Applicants may also propose compensatory mitigation for RGP activities with smaller impacts, or for impacts to other types of waters. However, compensatory mitigation shall not be required for activities authorized by RGP 27 because those activities must result in net increases in aquatic resource functions and services (see the text of RGP 27). The district engineer will consider any proposed compensatory mitigation or other

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

4. If the district engineer determines that the adverse environmental effects of the proposed RGP activity are more than minimal, then the district engineer will notify the applicant either:
(a) that the activity does not qualify for authorization under the RGP and instruct the applicant on the procedures to seek authorization under an individual permit;

(b) that the activity is authorized under the RGP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or

(c) that the activity is authorized under the RGP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day pre-construction notification review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not

practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information:

1. District engineers have authority to determine if an activity complies with the terms and conditions of an RGP.

2. RGPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. RGPs do not grant any property rights or exclusive privileges.

4. RGPs do not authorize any injury to the property or rights of others.

5. RGPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

SECTION VI: Definitions and Acronyms

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

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

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

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

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic ecosystem restoration, enhancement, or establishment activity under RGP 27. An ecological reference may be based on: (1) the structure, functions, and dynamics of an aquatic ecosystem type or a riparian area type that currently exists in the region; (2) the structure, functions, and dynamics of an aquatic ecosystem type or riparian area type that existed in the region in the past; and/or (3) indigenous and local ecological knowledge that apply to the aquatic ecosystem type or riparian area type (i.e., a cultural ecosystem). Cultural ecosystems are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship). An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

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

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

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the

absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

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

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

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Nature-based solutions: Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329. Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters.

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

Open water: For purposes of the RGPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds. Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year round during a typical year.

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

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit. Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms.

Preservation does not result in a gain of aquatic resource area or functions. Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource.

Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

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

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

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

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

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. 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.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an RGP authorization.

Special Aquatic Sites (SAS): means wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, sanctuaries, and refuges as defined at 40 CFR 230.40 through 230.45 and 33 CFR 330.2.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment. Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff. Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock, inorganic particles that range in size from clay to boulders. The substrate may also be comprised, in part, of organic matter, such as large or small wood fragments, leaves, algae, and other organic materials. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

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

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

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the

gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.
Vegetated shallows:

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the RGPs, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).