

# U.S. ARMY CORPS OF ENGINEERS NEW ENGLAND DISTRICT (CENAE) REGULATORY DIVISION

PAUL SILVA, PROJECT MANAGER  
ANDREA WILLIAMS, PROJECT  
MANAGER  
CT/RI SECTION, REGULATORY DIVISION

MARCH 5, 2025



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New England District



# OUTLINE

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- Regulatory Division
- Authorities & Overview
- Connecticut General Permit
- Section 106
- Threatened & Endangered Species
- Essential Fish Habitat
- Compensatory Mitigation
- Regulatory Request System (RRS)



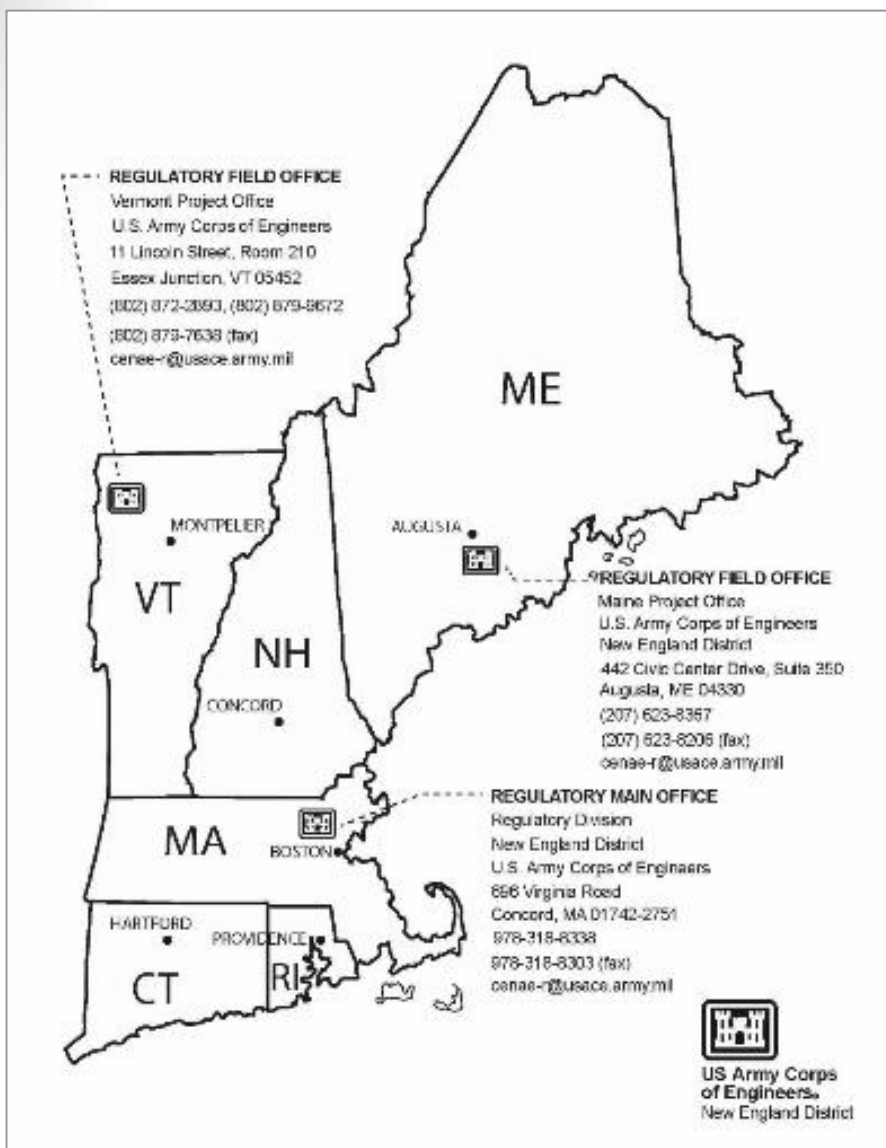


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# REGULATORY DIVISION OVERVIEW PROFILE

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- 6 New England states
- 64-member interdisciplinary staff: biologists, civil & env. engineers, planners, physical scientists, admin
- Actions completed: 5000+/year (GPs, SPs, compliance, enforcement, NPRs, modifications, preapps, JDs)
- Permit actions: 2500+/year
- >85% of permit actions in <60 days





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# REGULATORY DIVISION OVERVIEW PROFILE

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- Division Chief: Tammy Turley
- 5 Sections:
  - CT/RI Section (7)
    - Kevin Kotelly, Section Chief
    - Kelly Egan
    - Paul Silva
    - Charlotte Skolnick
    - Chris Venoitte
    - Beth Waterhouse
    - Andrea Williams
  - MA Section
  - VT/NH Section
  - ME Section
  - Transportation & Utilities Section





# REGULATORY DIVISION PROGRAM AUTHORITIES OVERVIEW



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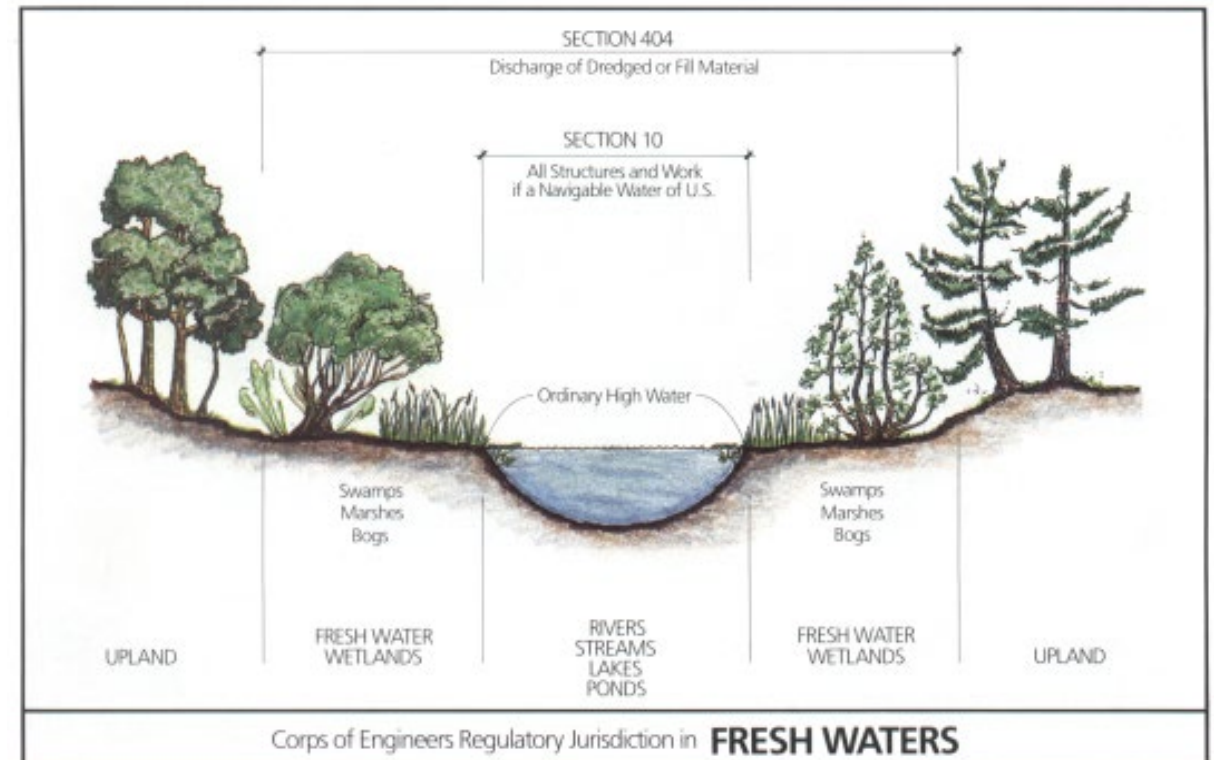
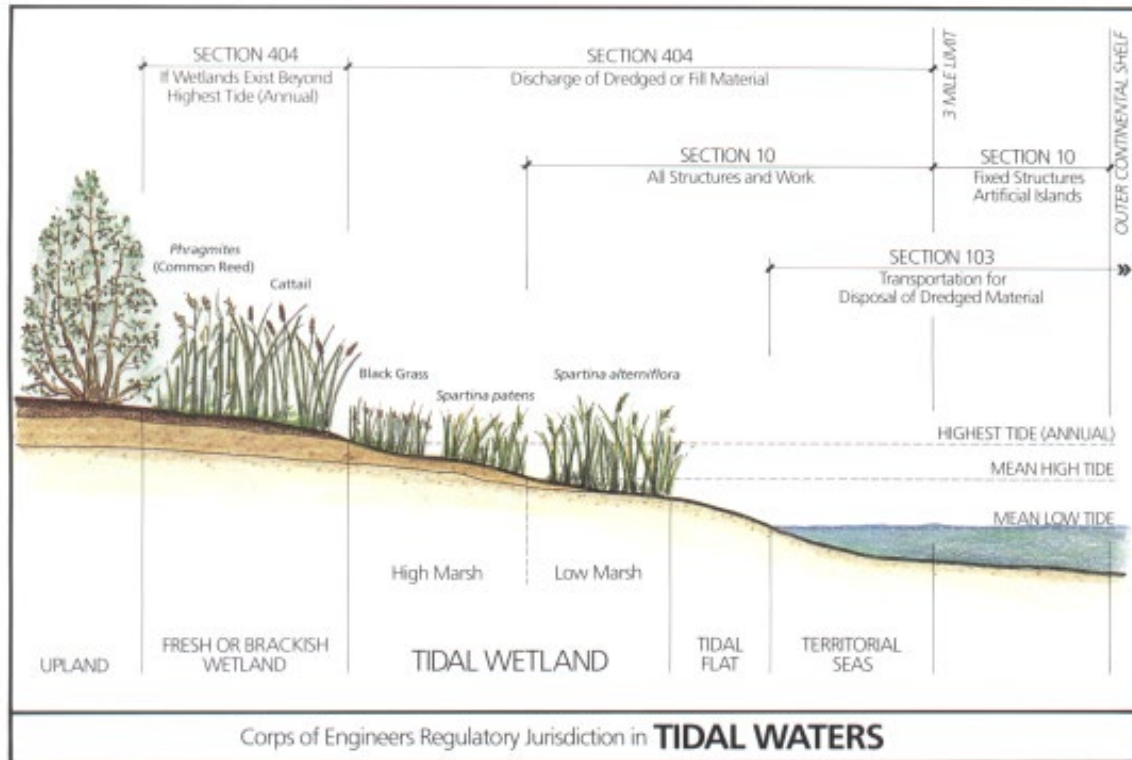
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# USACE REGULATORY PROGRAM AUTHORITIES

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- Section 10 - Rivers and Harbors Act of 1899 (RHA)
  - Regulate work in, over or under navigable waters of the U.S.
- Section 404 - Clean Water Act of 1972 (CWA)
  - Regulate discharges of dredged & fill material in waters of the U.S.
- Section 103 - Marine Protection, Research & Sanctuaries Act (MPRSA)
  - Regulate transportation of dredged material for ocean disposal.



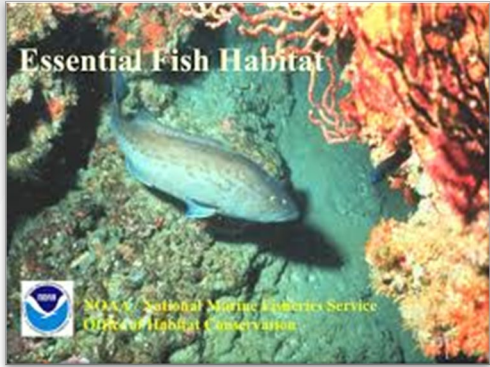




# USACE REGULATORY PROGRAM RELATED LAWS & REGULATIONS

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- National Environmental Policy Act (NEPA)
- Wild and Scenic Rivers Act
- National Historic Preservation Act (NHPA)
- Endangered Species Act (ESA)
- Magnuson-Stevens Fishery Conservation & Management Act (EFH)



# REGULATORY DIVISION CONNECTICUT GENERAL PERMITS



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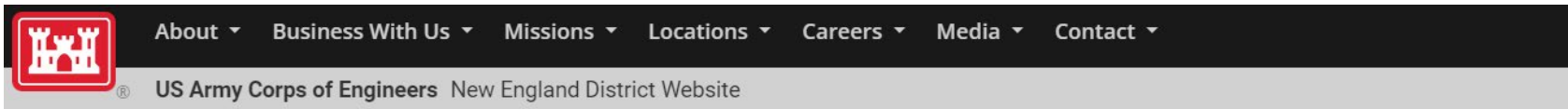
# CT GENERAL PERMITS (GPs)

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



[Home](#) / [Missions](#) / [Regulatory](#) / [State General Permits](#) / [Connecticut General Permit](#)

## Connecticut General Permit Documents

- 
- [Connecticut General Permits \(December 2021\)](#)
  - [CT DEEP 401 Conditions for Connecticut General Permits](#)
  - [A Guide to Marine Aquaculture Permitting in CT \(access the Joint Agency Application to Conduct Marine Aquaculture in Connecticut\)](#)
  - [Endangered Species Act Information Needs for Aquaculture Projects in the U.S. Atlantic](#)
  - [Guide to Permitting Marine Aquaculture in the United States \(2022\)](#)
  - [CT DEEP License Application Transmittal Form](#)
  - [CT DEEP License Transmittal Application Form Instructions](#)
  - [CT DEEP LWRD License Application Form L Pre-Construction Notification \(PCN\) - USACE General Permits](#)
  - [CT DEEP, Land and Water Resources Division - All Application Forms](#)
  - [New York DOS: Federal Consistency Assessment Form](#)
  - [Submerged Aquatic Vegetation Survey Guidance for the New England Region](#)
  - [Appendix C \(General Permit 16-Standard Aquaculture Terms and Conditions\)](#)
  - [Pre-Application Meeting Recommendations](#)
  - [Pre-Application Screening Form](#)
  - [Required Information Tidal Navigable Waters](#)
  - [ESA Programmatic Agreements and Programmatic Consultations](#)





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# CT GENERAL PERMITS (GPs)

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**Applicant: General Public, State of Connecticut**

**Effective Date: December 15, 2021**

**Expiration Date: December 15, 2026**

## **DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMITS FOR THE STATE OF CONNECTICUT**

The New England District of the U.S. Army Corps of Engineers (USACE) hereby issues twenty-three (23) regional general permits (GPs), listed in Appendix A, for activities subject to USACE jurisdiction in waters of the United States (U.S.), including navigable waters within the State of Connecticut, adjacent ocean waters to the seaward limit of the outer continental shelf, and tribal lands<sup>1</sup>. These GPs are issued in accordance with USACE regulations at 33 CFR 320 - 332 [see 33 CFR 325.5(c)(1)] and authorize activity-specific categories of work that are similar in nature and cause no more than minimal individual and cumulative adverse environmental impacts while providing protection to the aquatic environment and the public interest.

This document contains the following sections and appendices:

|   | Page |
|---|------|
| Section 1 – Review Categories and Application Procedures for Non-Tidal Waters | 3    |
| Section 2 – Review Categories and Application Procedures for Tidal Waters     | 7    |
| Section 3 – Content of Preconstruction Notification                           | 12   |
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| Appendix B – General Conditions   | 48   |
| Appendix C – Standard Aquaculture Terms and Conditions for General Permit 16  | 59   |
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| Appendix E – Self-Verification Notification Form                              | 64   |
| Appendix F – Definitions  | 66   |
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| Appendix H – Diadromous Fish in Connecticut                                   | 75   |





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# CT GENERAL PERMITS (GPs)

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## Information required for all projects (Sec. 3)

- USACE application: ENG Form 4345 (inland activities) or CT DEEP LWRD application (coastal activities)
- Impacts: direct, indirect, and secondary (permanent and temporary)
- Sec. 408 permission for nearby USACE Civil Works projects
- State authorizations
- Historic properties (State & Tribal Historic Preservation Offices)





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# CT GENERAL PERMITS (GPs)

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## Information required for all projects (Sec. 3)

- Endangered and threatened species
- Site information, surveys, or previous permits
- Photos
- Project plans with jurisdictional limits and delineation sheets
- Mitigation Plan



USACE starts review of a permit application after a federally complete application is received. You will receive a request for additional information with a 30-day notice of withdrawal if the application is incomplete. If your file is administratively withdrawn, the file can easily be reopened when complete information is received.





## Appendix A

| GP Activity # | Category of Activity   |
|---------------|--|
| GP 1          | Aids to navigation & temporary recreational structures <i>(Coastal only)</i>   |
| GP 2          | Repair or maintenance of existing currently serviceable, authorized, or grandfathered structures & fills and removal of structures <i>(Coastal and Inland)</i> |
| GP 3          | Moorings <i>(Coastal only)</i>   |
| GP 4          | Pile-supported structures & floats, including boat lifts/hoists & other miscellaneous structures & work <i>(Coastal only)</i>                                  |
| GP 5          | Boat ramps and marinerailways <i>(Coastal and Inland)</i>  |
| GP 6          | Utilities including lines, outfall and intake structures and appurtenant features <i>(Coastal and Inland)</i>  |
| GP 7          | Dredging, transport & disposal of dredged material, beach nourishment & rock removal and rock relocation <i>(Coastal only)</i>                                 |
| GP 8          | Discharges of dredged or fill material incidental to the construction of bridges <i>(Coastal only)</i>   |
| GP 9          | New shoreline and bank stabilization projects and Living Shorelines <i>(Coastal and Inland)</i>  |
| GP 10         | Aquatic habitat restoration, establishment, and enhancement activities <i>(Coastal and Inland)</i>   |
| GP 11         | Fish and wildlife harvesting activities <i>(Coastal and Inland)</i>  |
| GP 12         | Oil spill and hazardous material response operations <i>(Coastal and Inland)</i>   |
| GP 13         | Cleanup of hazardous and toxic waste and removal of contaminated soil <i>(Coastal and Inland)</i>  |
| GP 14         | Scientific measurement and monitoring devices <i>(Coastal and Inland)</i>  |
| GP 15         | Survey and exploratory survey activities <i>(Coastal and Inland)</i>   |
| GP 16         | Aquaculture & Mariculture Activities <i>(Coastal only)</i>   |
| GP 17         | New and expansion of recreational, residential, institutional, and commercial developments <i>(Inland only)</i>  |
| GP 18         | Wetland crossings for linear transportation projects <i>(Inland only)</i>  |
| GP 19         | Stream river and brook crossings (not including wetland crossings) <i>(Coastal and Inland)</i>   |
| GP 20         | Energy generation and renewable energy facilities and hydropower projects <i>(Coastal and Inland)</i>  |
| GP 21         | Temporary fill not associated with a regulated General Permit activity <i>(Inland only)</i>  |
| GP 22         | Modification and Improvement of Existing Minor drainage features and Mosquito Control <i>(Coastal only)</i>  |
| GP 23         | Agricultural Activities <i>(Inland only)</i>   |



## Types of Permits (Example: GP #1)

- Self-Verification (SV)
- Pre-Construction Notification (PCN)
- Individual/Standard Permit (IP)

| <b>GP1. AIDS TO NAVIGATION &amp; TEMPORARY RECREATIONAL STRUCTURES (Section 10: navigable waters of the U.S.)</b><br>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) and/or requirements of the CT DEEP Boating Division (see Connecticut General Statutes Section 15-121 and the corresponding Regulations of Connecticut State Agencies). The installation of temporary buoys, markers, floats, or similar structures solely for recreational use or short-term events such as water-skiing competitions, fireworks display or seasonal swim floats. |  |  |
|---|--|--|
|   | SELF-VERIFICATION (SV)   | PRE-CONSTRUCTION NOTIFICATION (PCN)  |
| <b>GP1(A) INLAND</b>  | <b>Not Applicable</b><br>These activities in inland waters (as defined in Appendix A, Page 1) do not require USACE authorization.  | <b>Not Applicable</b><br>These activities in inland waters (as defined in Appendix A, Page 1) do not require USACE authorization.  |
| <b>GP1(B) COASTAL</b><br><br>A Self-Verification Notification Form (SVNF) is not required.  | <u>Not eligible for SV:</u> <ul style="list-style-type: none"> <li>• Aids to Navigation/temporary structures in submerged aquatic vegetation (SAV).</li> <li>• Aids to Navigation/temporary structures in USACE Federal navigation projects (FNPs). FNPs are comprised of Federal channels, anchorages and turning basins. Please click on the link below for more information: <a href="http://www.nae.usace.army.mil/Missions/Navigation/Connecticut-Projects/">http://www.nae.usace.army.mil/Missions/Navigation/Connecticut-Projects/</a> on the limits of these Federal projects.</li> <li>• Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued.</li> </ul> <u>Eligible for SV:</u> <ul style="list-style-type: none"> <li>• Aids to navigation and regulatory markers (both permanent and temporary) approved by the U.S. Coast Guard (USCG) and/or State of Connecticut Boating Division that are not located within FNPs.</li> <li>• Temporary buoys, markers, floats, etc. for recreational use during specific seasonal or short-term events, provided they are not located within USACE FNPs, are in place no longer than the defined seasonal timeframe and are removed within 30 days after use is discontinued.</li> </ul> | <u>Eligible for PCN (includes work not eligible for SV):</u> <ul style="list-style-type: none"> <li>• Aids to Navigation/temporary structures in SAV.</li> <li>• Aids to Navigation/temporary structures in FNPs. FNPs are comprised of Federal channels, anchorages and turning basins.</li> <li>• Temporary structures in place longer than one season and/or not removed within 30 days after use is discontinued.</li> </ul> |

# REGULATORY DIVISION SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966



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# PROJECT EFFECTS ON HISTORIC PROPERTIES

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## Section 106 of the National Historic Preservation Act of 1966 (NHPA)

If a federal or federally-assisted project has the potential to affect historic properties, then a Section 106 consultation must take place.

The consultations give the Advisory Council on Historic Preservation (ACHP), interested parties and the public a chance to consult on the project before a final decision is made.

This process is an important tool for citizens to provide their voice to protect and maintain historic properties and cultural resources in their communities.



### PROTECTING HISTORIC PROPERTIES

The Section 106 process ensures that historic preservation is considered in federal project planning.



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# PROJECT EFFECTS ON HISTORIC PROPERTIES

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## Section 106 Summary

As part of the S106 requirements, USACE performs the following actions:

- Determine the federal “undertaking”
- Determine other activities USACE has federal control over
- Analyze effects to historic properties within the permit area and known historic properties outside the permit area
- Initiate consultation with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and other consulting parties if listed/eligible historic properties may be affected
- Determine whether the undertaking will have “No effect (No Historic Properties Present/Affected),” “No adverse effect” or an “Adverse effect” on the property

**CTGP General Condition 11 – Historic Properties (Appendix B – General Permit):** describes seven requirements for evaluating historic properties for projects.

**The Section 106 process is an important tool to protect and maintain historic properties in the project communities.**

### Federally Recognized Tribes



Mashantucket  
Pequot Tribe



Mohegan Tribe



Narragansett  
Indian Tribe



Wampanoag  
Tribe of Gay  
Head Aquinnah



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# PROJECT EFFECTS ON HISTORIC PROPERTIES

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## Tribal Historic Preservation Officers

### **Mashantucket Pequot Tribal Nation**

Michael Johnson, THPO  
550 Trolley Line Boulevard  
P. O. Box 3202  
Mashantucket, Connecticut 06338-3202  
(860) 396-6887

### **Mohegan Tribe of Indians of Connecticut**

James Quinn, THPO  
13 Crow Hill Road  
Uncasville, CT 06382  
(860) 862-6393

### **Wampanoag Tribe of Gay Head (Aquinnah)**

Bettina Washington, THPO  
20 Black Brook Road  
Aquinnah, MA 02535  
(508) 645-9265

### **Narragansett Indian Tribe**

John Brown, THPO  
Mark Andrews, Deputy THPO  
4425 South County Trail  
PO Box 268  
Charlestown, RI 02813  
(401) 364-1100

## Archaeological Information

### **State Historic Preservation Office**

Department of Economic and Community Development  
Mary Dunne, State Historic Preservation Officer  
45 Columbus Boulevard, Suite 5  
Hartford, Connecticut 06103  
(860) 256-2800 (main)  
(860) 256-2764 (direct)

## Helpful Links

ACHP - Section 106 Process

<https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106>

Connecticut Historic Preservation

<https://portal.ct.gov/DECD/Services/Historic-Preservation>

Connecticut Cultural Resources Information System

<https://conncris.ct.gov/>

National Register of Historic Places

<https://www.nps.gov/subjects/nationalregister/index.htm>

### **\*NEW\* CT SHPO Environmental Review Request Form**

<https://survey123.arcgis.com/share/1c41d069e4a8498d8b8de2f9f7003b45?portalUrl=https://ctmaps.maps.arcgis.com>



# REGULATORY DIVISION **USFWS** THREATENED AND ENDANGERED SPECIES



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# USFWS ENDANGERED SPECIES ACT (ESA) CONSULTATION

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- “Each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species” -Section 7(a)(2) of the ESA
- USFWS maintains a website called Information for Planning and Consultation (IPaC), which includes determination keys (DKeys) used to conduct programmatic consultations.
- The Northeast Endangered Species DKey covers ~50 listed species and encompasses all of CT





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# ESA CONSULTATION FOR NORTHERN LONG-EARED BAT (NLEB) & TRICOLORED BAT (TCB)

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- 09/13/22: USFWS elevated tricolored bat to proposed endangered.
- 11/29/22: USFWS elevated NLEB status to endangered.
- 06/27/23: USACE designated applicants in New England as non-Federal representatives to conduct informal consultation using the IPaC NLEB and TCB DKey at <https://ipac.ecosphere.fws.gov>.
- The DKey provides outcomes of: “no effect,” “may affect, not likely to adversely affect” (NLAA), or “may affect, likely to adversely affect” (LAA)
- Include Official Species List and DKey Technical Assistance Letter in your USACE application







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# USFWS IPAC

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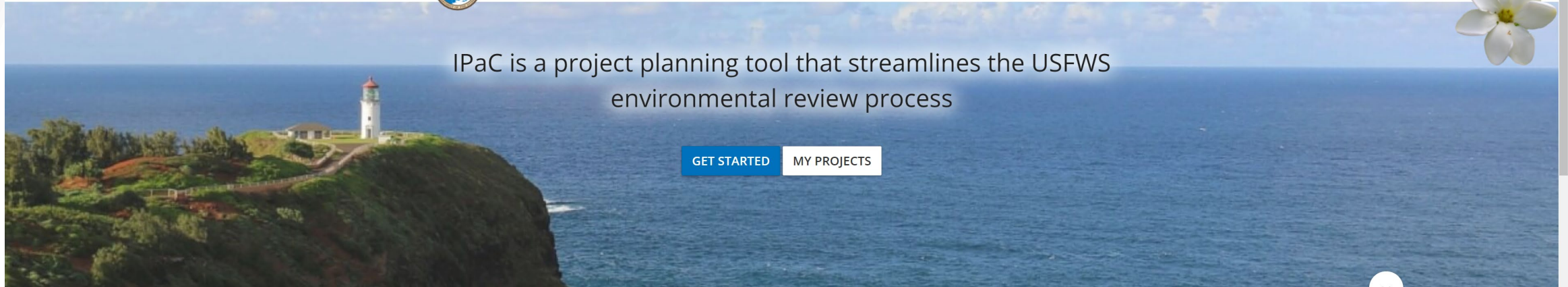


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**IPaC** Information for Planning and Consultation

KEITH GOULET ▾

Last login January 24, 2024 12:43 PM



IPaC is a project planning tool that streamlines the USFWS environmental review process

GET STARTED

MY PROJECTS

Integrate the environmental review process into your project design

Quickly and easily identify USFWS managed resources and suggested conservation measures for your project.

#### Explore species and habitat

See if any listed species, critical habitat, migratory birds or other natural resources may be impacted by your project.

Using the map tool, explore other resources in your location, such as wetlands, wildlife refuges, GAP land cover, and other important biological resources.

#### Conduct a regulatory review

Log in and define a project to get an official species list and evaluate potential impacts on resources managed by the U.S. Fish and Wildlife Service.

Follow IPaC's Endangered Species Act (ESA) Review process—a streamlined, step-by-step consultation process available in select areas for certain project types, agencies, and species.

#### Build a Consultation Package

Consultation Package Builder (CPB) replaces and improves on the original Impact Analysis by providing an interactive, step-by-step process to help you prepare a full consultation package leveraging U.S. Fish and Wildlife Service data and recommendations, including conservation measures designed to help you avoid or minimize effects to listed species.

CPB will continue to be improved over time.

<https://ipac.ecosphere.fws.gov>

Helpful Videos





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# USFWS ENDANGERED SPECIES ACT (ESA) CONSULTATION

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<https://ipac.ecosphere.fws.gov>

## Helpful Videos

IPaC 101 Presentation (Slides only)

IPaC 10-minute tour (Demo only)

IPaC Overview (Demo & Slides)

IPaC Commercial

Requesting an Official Species List (Demo only)

Using a Determination Key (Demo only)

Using the Consultation Package Builder (Demo only)

Consultation Package Builder Commercial







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# USFWS IPAC

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## IPaC Information for Planning and Consultation

MY PROJECTS

### 1 Find location

Search or zoom to find the project location

Connecticut, USA

Or skip this step and:

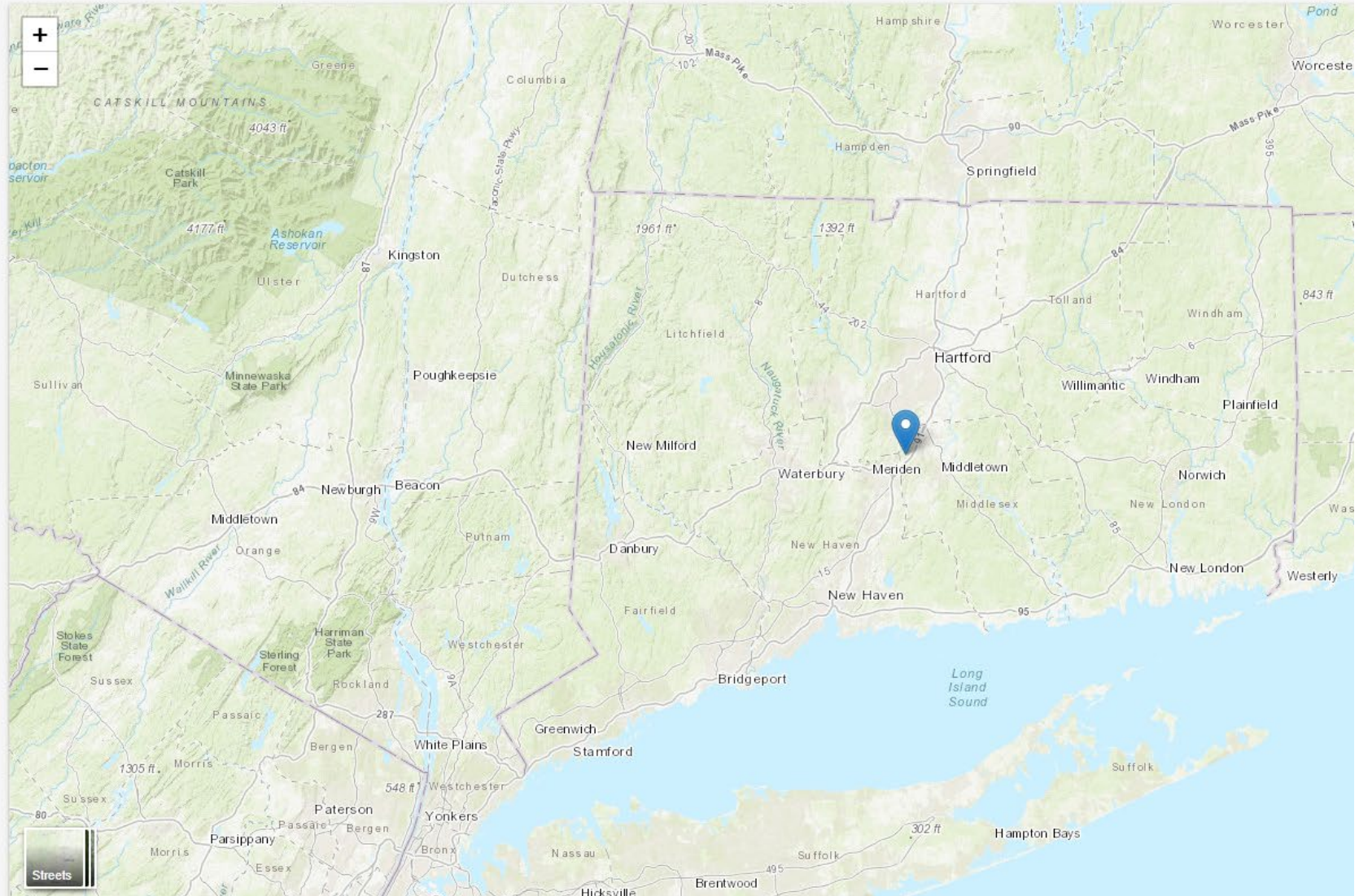
UPLOAD GEOMETRY

Selection by state or county is no longer available.

### 2 Define area

New! Layers

ADD







### 1 Find location

### 2 Define area

Draw the area where activities will occur

Select a drawing tool



SKETCH



POLYGON



LINE

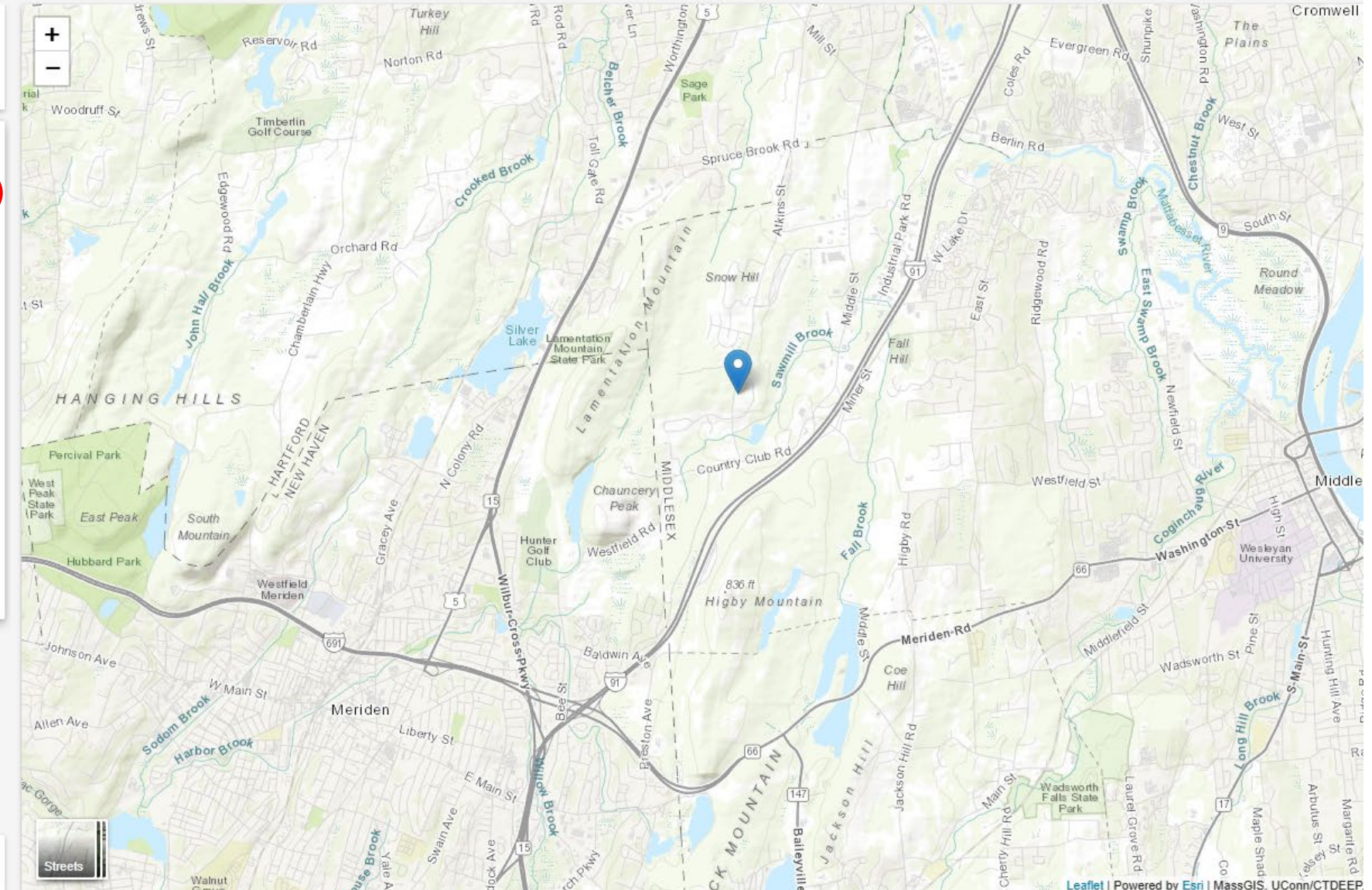
Other options:

UPLOAD GEOMETRY

Selection by state or county is no longer available.

New! Layers

ADD





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# USFWS IPAC

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**IPaC** Information for Planning and Consultation

U.S. Fish & Wildlife Service  
LOG IN

Explore location

LOCAL OFFICE NEW ENGLAND ESFO ▾



LOCATION  
Middlesex County,  
Connecticut  
CHANGE LOCATION

## Resources

|                      |    |
|----------------------|----|
| ENDANGERED SPECIES   | 2  |
| BALD & GOLDEN EAGLES | 2  |
| MIGRATORY BIRDS      | 13 |
| FACILITIES           |    |
| WETLANDS             | ✓  |

PRINT RESOURCE LIST

### What's next?

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

DEFINE PROJECT

## Endangered species

Listed species<sup>?</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>?</sup>).

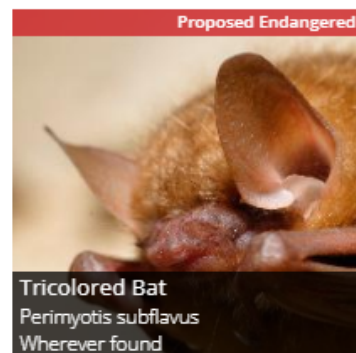
Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

Additional information on endangered species data is provided [below](#).

The following species are potentially affected by activities in this location:

THUMBNAILS LIST

## Mammals



## Define project

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.

Project name

Project description

Describe the location, size, scope, and timing of this project.

OPTIONAL

SAVE

CANCEL



**IPaC** Information for Planning and Consultation

MY PROJECTS

U.S. Fish & Wildlife Service

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test Middlesex County, Connecticut

PROJECT HOME

REGULATORY REVIEW

LOCAL OFFICE NEW ENGLAND ESFO ▾

test

test



LOCATION Middlesex County, Connecticut

CREATED February 14, 2025

1 MEMBER

1 DOCUMENT

## What's next?

### ESA REVIEW

Review this project's effects on listed species<sup>7</sup> pursuant to the Endangered Species Act (ESA), as part of the overall regulatory review.

**START REVIEW**

### SPECIES LIST

To request an official species list, including updated lists, please select the 'Start Review' button.

## Local office

New England Ecological Services Field Office **LEAD**

## Endangered Species Act Review

EXIT REVIEW

### Step-by-step consultation process

The Endangered Species Act (ESA) Review in IPaC is a streamlined, step-by-step consultation process. The steps below prepare you for consultation with the U.S. Fish and Wildlife Service or provide official documentation if consultation is not necessary.

- 1 Request an official species list**  
An official species list must be requested for projects conducted, permitted, funded, or licensed by a Federal agency. Projects unaffiliated with a Federal agency may skip this step.  
NOTE: Generating an official species list does not start the consultation clock for a project.
- 2 Evaluate determination keys**  
Determination Keys are up-front analyses from the U.S. Fish and Wildlife Service that streamline the consultation process for common project types. Each determination key starts with a qualification interview to see if the key is appropriate for your project.
- 3 Evaluate effects to remaining species through the Consultation Package Builder**  
When you have listed species<sup>7</sup> in your project area that have not been addressed by a determination key, IPaC's project analysis tool can be used to further analyze your project. The process assists you in making effect determinations and results in a biological analysis document that is suitable for use as a biological assessment that can be submitted to the U.S. Fish and Wildlife Service for consultation.
- 4 Finalize your consultation package**  
Print your project documents to PDF.

For more information about the consultation process, see an [overview of Section 7](#).

**CONTINUE**



## Endangered Species Act Review

← BACK

EXIT REVIEW

1 Request an official species list

2 Evaluate Determination Keys

3 Analyze project (optional)

4 Download documentation

### Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

### Does this project require an official species list?

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" ([Section 7](#) of the Endangered Species Act).

This requirement applies to projects that are **conducted, permitted, funded, or licensed** by any Federal agency.

**NOTE:** Generating an official species list does not start the consultation clock for a project.

YES, REQUEST A SPECIES LIST

SKIP / DOES NOT APPLY

## Endangered Species Act Review

← BACK

EXIT REVIEW

✓ Request an official species list

2 Evaluate Determination Keys

3 Analyze project (optional)

4 Download documentation

### Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

#### ✓ Species list request complete

This species list was generated **4 minutes ago**. Species lists are considered valid for 90 days.

An official species list has been generated for the following office.

 [Species List: New England Ecological Services Field Office](#)

This document is also available on the [Documents](#) page.

REQUEST UPDATED SPECIES LIST

NEXT STEP: DETERMINATION KEYS



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## Endangered Species Act Review

◀ BACK

EXIT REVIEW



Request an official  
species list



Evaluate  
Determination Keys



Analyze project (optional)



Download documentation

### Step 2: Evaluate determination keys

The U.S. Fish and Wildlife Service has performed up-front analyses for certain project types, agencies, and species. The analyses have been compiled into *determination keys*, a simple interview process to help you arrive at a recommended determination for some species in your project area.

- FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting IBAT, NLEB, or TCB

Release date: February 18, 2025

The key is intended for projects funded or authorized by FHWA, FRA, or FTA, that require consultation with the Service under Section 7 of the ESA and may affect the Indiana bat, northern long-eared bat, or tricolored bat.

EVALUATE

SKIP / DOES NOT APPLY

- Northeast Endangered Species Determination Key

Release date: February 13, 2025

This key is intended to streamline review of projects for potential effects to federally listed threatened and endangered species and designated critical habitat. This key covers many species in the Northeast Region.

EVALUATE

SKIP / DOES NOT APPLY

- Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key

Release date: February 13, 2025

This key is intended to streamline review of projects for potential effects to the Northern Long-eared Bat and the proposed Tricolored Bat.

EVALUATE

SKIP / DOES NOT APPLY

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

☒ Yes

☐ No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

☒ Yes

☐ No

## Endangered Species Act Review

◀ BACK EXIT REVIEW

✔ Request an official species list — ⚙ Evaluate Determination Keys — 3 Analyze project (optional) — 4 Download documentation

### Determination

You have determined your project will have no effect to the species covered by this determination key. Review the guidance below and generate a letter documenting your determination for your records.

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

If you think the determination results from this key should be different based on your answers, please contact the local U.S. Fish and Wildlife Service field office.

Generate a technical assistance letter for your records

GENERATE TECHNICAL ASSISTANCE LETTER

VIEW / CHANGE ANSWERS



### United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104



In Reply Refer To:  
Project code: 2025-0002037  
Project Name: test

02/14/2025 16:53:45 UTC

Federal Nexus: yes  
Federal Action Agency (if applicable): Army Corps of Engineers

**Subject:** Record of project representative's no effect determination for 'test'

Dear Andrea Williams:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on February 14, 2025, for 'test' (here forward, Project). This project has been assigned Project Code 2025-0002037 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

#### Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

#### Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

| Species  | Listing Status | Determination |
|--|----------------|---------------|
| Tricolored Bat ( <i>Perimyotis subflavus</i> ) | Proposed       | No effect     |
|  | Endangered     |               |



# REGULATORY DIVISION NOAA ESA THREATENED AND ENDANGERED SPECIES



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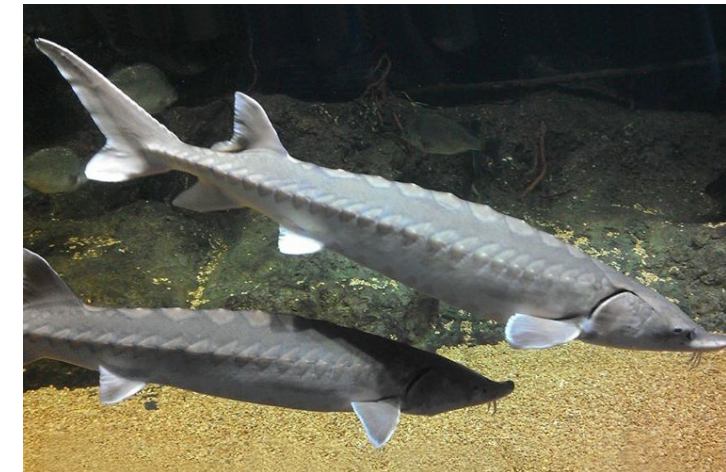
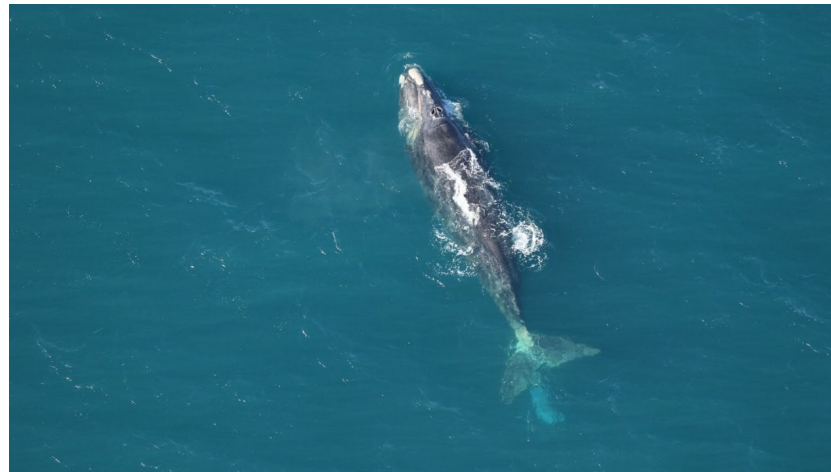
# NOAA ENDANGERED SPECIES ACT (ESA) CONSULTATION

Paul Silva

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- ESA consultation also applies to fish and marine life.
- Presence of NOAA listed species requires consultation between USACE and NOAA.
- If NOAA listed species are present, you must submit a PCN even if your project otherwise qualifies as self-verification eligible.
- You can find and use the mapper at (<https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper>)
- Check the mapper before you submit an application. Confirming any listed fish or marine mammals will save the applicant time.







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# NOAA ESA MAPPER

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ESA Section 7 Mapper

NOAA Fisheries Greater Atlantic Region

Search by address or coordinate

Draw Your Action Area

Your Action Area

Draw

Coordinates

Select draw mode

Buffer distance (optional)

Show results within

500

Feet

Get details

Start Over

More Information

Welcome!

August 2022

version 2.1

This panel provides only a broad overview of the ESA S7 Mapper.

A detailed User's Guide can be accessed on the GARFO website here:

<https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps>

We welcome your feedback!

If you have any questions, comments, or experience any problems, contact information is located at the bottom of this panel.

Purpose

We, the Greater Atlantic Regional Fisheries Office (GARFO) Protected Resources Division, provide this endangered species mapping application (ESA S7 Mapper, or "the mapper") to aid Federal action agencies in their Section 7 consultation responsibilities under the Endangered Species Act (ESA).

Using these data layers, action agencies can better determine whether the activities they plan to authorize, fund, or carry out may affect listed species or designated critical habitat under our jurisdiction (Maine through Virginia).

We plan to update the spatial and temporal data reflecting life stages and behaviors as new data from peer-reviewed literature, research reports, and field observations become available.

About the Data

Use of the ESA S7 Mapper does NOT replace the Section 7 consultation process; it is a first step in determining if a proposed federal action overlaps with listed species or critical habitat presence.

The polygons representing our listed species' presence and behaviors may lack the spatial resolution to capture your action area. We recommend you extend your action area into the nearest major waterway (e.g., main channel of a river), to be certain that we do not expect any listed species or critical habitat to be in your action area.

The ESA S7 Mapper currently displays *Greater Atlantic Region Consultation Areas for Section 7 of the Endangered Species Act* ("S7 Consultation Areas").

Full metadata and a downloadable geodatabase is available here:

<https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper>

Navigate the Map

The map is fully interactive. Pan in any direction by clicking and dragging the map.

Map Loading

https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper

Maxar | Esri Community Maps Contributors, MDC, MassGIS, UConn/CTDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, Geo





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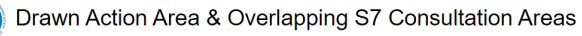
Paul Silva



This report is designed to be printed on Letter ANSI A (8.5" X 11") Landscape Paper

Print

Close



### Area of Interest (AOI) Information

Area : 242.55 acres

Jan 18 2024 15:05:06 Eastern Standard Time



Enter comments here

## Summary

| Name                        | Count | Area(acres) | Length(mi) |
|-----------------------------|-------|-------------|------------|
| Atlantic Sturgeon           | 7     | 538.31      | N/A        |
| Shortnose Sturgeon          | 6     | 461.41      | N/A        |
| Atlantic Salmon             | 0     | 0           | N/A        |
| Sea Turtles                 | 0     | 0           | N/A        |
| Atlantic Large Whales       | 0     | 0           | N/A        |
| In or Near Critical Habitat | 1     | 70.45       | N/A        |

## Atlantic Sturgeon

| # | Feature ID             | Species              | Lifestage | Behavior                | Zone                  | From  | Until | From (2) | Until (2) | Area(acre) |
|---|------------------------|----------------------|-----------|-------------------------|-----------------------|-------|-------|----------|-----------|------------|
| 1 | ANS_CND<br>ADU_MA<br>F | Atlantic<br>sturgeon | Adult     | Migrating &<br>Foraging | Connecticu<br>t River | 04/15 | 11/30 | N/A      | N/A       | 76.90      |
| 2 | ANS_CND<br>ADU_SP<br>N | Atlantic<br>sturgeon | Adult     | Spawning                | Connecticu<br>t River | 04/15 | 08/31 | N/A      | N/A       | 76.90      |



# REGULATORY DIVISION COMPENSATORY MITIGATION



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# COMPENSATORY MITIGATION STANDARD OPERATING PROCEDURES (SOP)

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Compensatory Mitigation SOP updated April 26, 2024.  
Overall changes:

- “Adverse Impact” introduced and defined.
- Activities and/or impacts associated with restoration are listed.
- No compensatory mitigation required if a net increase in aquatic resource functions or services.
- When a mitigation bank or an ILF program is available, compensatory mitigation is considered preferable to Permittee-Responsible Mitigation (PRM) alternatives unless the permittee can make the case that a PRM project, alone or in concert with purchase of bank or ILF credits, is more ecologically appropriate.



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## NEW ENGLAND DISTRICT COMPENSATORY MITIGATION STANDARD OPERATING PROCEDURES April 26, 2024

This document represents New England District Regulatory Division's standard operating procedures and incorporates the requirements of the following documents.  
NOTE: An internet search provides a quick access to these documents:

1. Compensatory Mitigation for Losses of Aquatic Resources; Final Rule 4/10/08; 33 CFR Parts 325 and 332 (“Mitigation Rule”)
2. Regulatory Guidance Letter 08-03: Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources



# COMPENSATORY MITIGATION STANDARD OPERATING PROCEDURES (SOP)

Threshold changes:

- Permanent adverse impacts to non-tidal wetlands greater then 5,000 square feet (SF) require compensatory mitigation.
- Tidal submerged aquatic vegetation was 500 SF, now 25 SF.

The table below lists the resource types and the threshold square footage.

| <b>Resource<sup>1</sup></b>    | Non-Tidal         | Tidal             |
|--------------------------------|-------------------|-------------------|
| Stream <sup>2</sup>            | 200 Linear Feet   | 200 Linear Feet   |
| Other Open Waters <sup>3</sup> | Project Dependent | Project Dependent |
| Wetland                        | 5000 Square Feet  | 500 Square Feet   |
| Vernal Pool <sup>4</sup>       | All               | N/A               |
| SAV                            | Project Dependent | 25 Square Feet    |
| Mudflat                        | N/A               | 1000 Square Feet  |
| Intertidal <sup>5</sup>        | N/A               | 1000 Square Feet  |



# REGULATORY DIVISION REGULATORY REQUEST SYSTEM (RRS)



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# REGULATORY REQUEST SYSTEM (RRS)

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- The RRS is part of a new multi-faceted, enterprise-wide approach to transforming the Regulatory Program.
- RRS is a web-based platform currently in a beta version that enables users to submit pre-application meeting requests, jurisdictional determination requests, and now applications for individual and general permits to the District and operates nationally.
- RRS streamlines the permit application process and underscores USACE commitment to modernizing our application process, meeting user expectations, and providing a transparent, straightforward process for the timely review of permit requests.
- For additional information on or to provide feedback on RRS, please contact us using the following email: [rrs@usace.army.mil](mailto:rrs@usace.army.mil)



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# REGULATORY REQUEST SYSTEM (RRS)

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<https://rrs.usace.army.mil/rrs>

**Welcome to the Regulatory Request System**

Apply Online • Learn about the Regulatory Program • Track Request Status

[Get Started](#)

|  |   |  |   |
|--|---|--|---|
| <p><b>Regulatory Program Information</b></p> <p>Learn the basics about the Regulatory Program, including recent announcements.</p> | <p><b>Jurisdiction</b></p> <p>Does the property in question contain wetlands/waters? If so, does the USACE have jurisdiction?</p> | <p><b>Permitting</b></p> <p>Do you need a permit? Need to schedule a pre-application meeting?</p>  | <p><b>Mitigation</b></p> <p>Discover how we help avoid and minimize impacts to aquatic resources.</p>                     |
| <p><b>Report Violations</b></p> <p>Submit a report of unauthorized activity or permit non-compliance.</p>                          | <p><b>RRS Support</b></p> <p>Get general system support, district contact information, submit feedback, and login.gov help.</p>   | <p><b>Public Notices</b></p> <p>Search, Review, and Comment on USACE Regulatory Public Notices</p> | <p><b>Apply for a Permit</b></p> <p>If you're ready to apply for a permit, click here to login or start a new request</p> |







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# REGULATORY REQUEST SYSTEM (RRS)

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## Regulatory Request System (RRS)

The purpose of this system is to accept electronic submittals of information, Department of the Army permit applications, requests for jurisdictional determinations, requests for preapplications, and comments on projects from the regulated public and resource agencies in one portal. Applicants or agents can also view general information about the Regulatory Program and check on the status of their requests.

Select an option below to get started:



### Start a New Request

Create a new request for Pre-application Scoping, Jurisdictional Determination, Application for Department of the Army (DA) Permit (ENG 4345) or Reconstruction Notification (PCN) (ENG 6032)



### I'm Not Sure

Answer a few quick questions to help determine which type of request to submit



### My Dashboard

View Submitted/Edit Draft Requests



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# REGULATORY REQUEST SYSTEM (RRS)

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## Start a New Request

### Project Information

A red asterisk (\*) indicates a required field.

Project Name \*

Test

Has the USACE previously issued a file number for any part of the project area? \*

No



### Project Location



#### IMPORTANT

It is critical to accurately input the location during the initial creation of the project. The project's location determines the range of available requests within that specific geographical area. If an error is made in entering the project location, it will be necessary to delete the request and initiate a new one for the project.

How would you like to provide the Project Location?





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# REGULATORY REQUEST SYSTEM (RRS)

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## Start a New Request

### Select a Request Type

#### Delineation/Jurisdictional Determination

☐ Submit an Aquatic Resource Delineation Report [?](#) and Aquatic Resource Inventory [?](#)

☐ Request a Jurisdictional Determination [?](#)

#### Permits

☐ Preconstruction Notification (PCN) (ENG 6082) [?](#)

The ENG 6082 form may be used when applying for a general permit. A general permit is issued for structures, work or discharges that will result in only minimal adverse effects. General permits are issued on a nationwide, regional, or state basis for particular categories of activities. There are three types of general permits – Nationwide Permits, Regional General Permits, and Programmatic General Permits. General permits are usually valid for five years and may be re-authorized by USACE. This form focuses on ensuring certain thresholds are not exceeded which would result in more than minimal individual or cumulative adverse environmental effects.

☐ Application for Department of the Army (DA) Permit (ENG 4345)

The ENG 4345 form may be used when applying for an individual, or standard permit. An individual, or standard permit, is issued when projects have more than minimal individual or cumulative impacts, are evaluated using additional environmental criteria, and involve a more comprehensive public interest review. This form may also be used to apply for general permits, but additional information may be asked during the evaluation process to ensure thresholds are not exceeded.

#### Pre-application / Project Scoping

☐ Pre-application/Project Scoping

Cancel



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# REGULATORY REQUEST SYSTEM (RRS)

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RRS  
REGULATORY  
REQUEST  
SYSTEM

Home Help Request Page Dashboard Updates Logged in as: Andrea Williams (Applicant) ▾

**i** The Regulatory Request System (RRS) is currently operating as a beta version [Learn More](#) ▾

DRAFT

Current Step: 1 of 6

- ☒ Instructions
- ☐ General Project Information
- ☐ Contact Information
- ☐ Property Owners
- ☐ Supporting Information
- ☐ Certify, Sign, and Submit

## INSTRUCTIONS

The **pre-application meeting and scoping request** provides an electronic option for applicants to request a pre-application meeting with the U.S. Army Corps of Engineers (USACE) or to submit project scoping letters. This electronic application will guide you through providing the information required for a complete request.

**Scoping letters**, which are typically submitted by applicants using Federal or State funding to accomplish a project of which they are the proponent, seek comment from the USACE regarding potential impacts to waters of the United States during very early phases of project development. These are typically submitted to help meeting requirements of the National Environmental Policy Act or similar state/local laws.

**Preapplication meetings** are typically held prior to an applicant submitting a project application and are normally reserved for **larger and more complex projects that require a standard individual permit**. The purpose of these meetings is to discuss various aspects of the project, such as the required permit type, estimated permit timeframes, potential complexities related to permitting (such as endangered species, historic properties, section 408, etc.), onsite and offsite alternatives, options for avoidance and minimization, potential construction layouts, compensatory mitigation options, and other information. The meetings usually involve the applicant, USACE staff, interested resource agencies (federal, state, or local), and sometimes the interested public.

Note - If a field site visit is requested, it will be necessary for the property owner to provide a Right of Entry Form and their designated agent (if one was retained) to provide a completed Agent Authorization Form.

**Recommended Information for Standard Permit Pre-application Meetings (click to expand each section to learn more):**

|   |   |
|---|---|
| Draft Waters of the United States Delineation       | + |
| Draft Project Plans                                 | + |
| Draft Alternative Analysis                          | + |
| Draft Project Purpose and Need                      | + |
| Draft Avoidance/Minimization/Compensation Statement | + |
| Other Laws and Policies                             | + |

Next Section: *General Project Information*



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# REGULATORY REQUEST SYSTEM (RRS)

Andrea Williams

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RRS REGULATORY REQUEST SYSTEM

Home Help Request Page Dashboard Updates Logged in as: Andrea Williams (Applicant) ▾

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## Preconstruction Notification (PCN) (ENG 6082) - Test

Last saved: a few seconds ago

← Exit Form

Save Progress

Download Draft PDF

Project Location

DRAFT

Current Step: 1 of 8

- ☒ Instructions
- ☐ Contact Information
- ☐ General Project Information
- ☐ Other Laws and Regulations
- ☐ Aquatic Resource Inventory
- ☐ Impacts and Mitigation
- ☐ Supporting Information
- ☐ Certify, Sign, and Submit

### INSTRUCTIONS

Nationwide Permits (NWP) are a type of general permit issued on a nationwide basis to streamline the authorization of certain activities in [Waters of the United States \(WOTUS\)](#) that result in no more than minimal individual and cumulative adverse environmental effects to WOTUS. Many Nationwide Permits require Pre-Construction Notification (PCN) to the U.S. Army Corps of Engineers (USACE) before commencing those activities. This electronic PCN will assist applicants in providing the information required for a complete PCN.

This form may also be used in some districts to submit a complete Regional or Programmatic General Permit [?](#)

[2021 Nationwide Permit List, General Conditions, and Definitions](#) [↗](#)

[2021 Nationwide Permit Regional Conditions](#) [↗](#)

[2021 Nationwide Permit Summary Chart](#) [↗](#)

#### IMPORTANT

If you're unfamiliar with the Nationwide Permit program and/or local USACE District Regulatory procedures, we recommend that you request a pre-application meeting with the local USACE District prior to submitting this request. You may also contact your local USACE District to ask general questions and to determine how to proceed. Contact information is found at your local [USACE Regulatory office](#) [↗](#).

Pre-application meetings provide the applicant with the information needed to select the correct type of permit as well as the information needed for a complete application, including factors which the USACE must consider in its decision-making process. Meetings are more productive when the applicant has prepared information regarding impacts to [WOTUS](#), developed a project purpose, considered alternatives to reduce impacts to WOTUS, and considered a mitigation statement. This reduces delays in application reviews and decisions.



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# REGULATORY REQUEST SYSTEM (RRS)


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RRS  
REGULATORY  
REQUEST  
SYSTEM

 The Regulatory Request System (RRS) is currently operating as a beta version [Learn More](#) ▼









[Request Page](#) > Dashboard

## My Dashboard

You can review your request statuses in the table below.

Requests (3)

The requests shown below are ones that have been created by you. Select the Project Name to view and/or edit your request. Note - submitted requests are locked and cannot be edited.

| Actions  | Status ↓↑ | Project Name ↓↑ | Request Type ↓↑                               | District ↓↑          | Created Date ↓ | DA Number ↓↑ | Project Manager Name ↓↑ | Project Manager Phone # ↓↑ |
|--|-----------|-----------------|---|----------------------|----------------|--------------|-------------------------|----------------------------|
|    | Draft     | Test            | Preconstruction Notification (PCN) (ENG 6082) | New England District | 2025-02-14     |              |                         |                            |
|    | Draft     | Test 2          | Pre-application/Project Scoping               | New England District | 2025-02-14     |              |                         |                            |
|    | Draft     | test 1          | Preconstruction Notification (PCN) (ENG 6082) | New England District | 2024-11-06     |              |                         |                            |





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# REGULATORY REQUEST SYSTEM (RRS)

Andrea Williams

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## Regulatory Request System (RRS)

The purpose of this system is to accept electronic submittals of information, Department of the Army permit applications, requests for jurisdictional determinations, requests for preapplications, and comments on projects from the regulated public and resource agencies in one portal. Applicants or agents can also view general information about the Regulatory Program and check on the status of their requests.

Select an option below to get started:



### Start a New Request

Create a new request for Pre-application Scoping, Jurisdictional Determination, Application for Department of the Army (DA) Permit (ENG 4345), or Preconstruction Notification (PCN) (ENG 6082)



### I'm Not Sure

Answer a few quick questions to help determine which type of request to submit



### My Dashboard

View Submitted/Edit Draft Requests



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# REGULATORY REQUEST SYSTEM (RRS)

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## I'm Not Sure

Please select a statement:\*

Select...



I would like to know if U.S. Army Corps of Engineers jurisdictional wetlands, streams, or other waterways are present on property located in the United States or it's Territories.

I am aware of U.S. Army Corps of Engineers jurisdictional waters on property located in the United States or it's Territories and would like to apply for a permit to impact these waters.

Cancel



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# REGULATORY REQUEST SYSTEM (RRS)

Andrea Williams



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Regulatory Request System (RRS)

## I'm Not Sure

Please select a statement:\*

I am aware of U.S. Army Corps of Engineers jurisdictional waters on property located in the United States or it's Territories and would like to apply for a permit to impact these waters.



Please select a statement:\*

Select...



I have reviewed the Permitting section and the Permitting Process Guide and I believe that my project requires an Individual Permit review (Standard or Letter of Permission).

I have reviewed the Permitting section and the Permitting Process Guide and I believe that my project qualifies for a General Permit (Nationwide or Regional General Permit).

I am unclear of what is required for the U.S. Army Corps of Engineers to issue a public notice for an individual permit and would like to schedule a pre-application meeting.

Cancel



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# QUESTIONS?

Please fill out our Post-Presentation Survey:

<https://forms.osi.apps.mil/r/PiKzrQP8t5>

## USACE Post-Presentation Survey

