



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

45-DAY PUBLIC NOTICE

Date: July 27, 2021

Comment Due Date: September 10, 2021

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PROPOSED REPLACEMENT AND REVISION OF THE DEPARTMENT OF THE ARMY CONNECTICUT GENERAL PERMITS (GPs)

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby proposes to replace and revise the statewide Connecticut General Permits (GPs), pursuant to 33 CFR Part 325.5(c) (1) with a series of multiple GPs covering activity-specific categories. The revised GPs will continue to authorize activities in waters of the United States within the State of Connecticut and Lands Located within the exterior boundaries of an Indian Reservation and in adjacent ocean waters to the seaward limit of the outer continental shelf with minimal individual and cumulative adverse environmental impacts.

The existing GPs expire on August 19, 2021 and we propose to reissue the GPs for an additional five years. The revised GPs will continue the expedited review process for activities in Corps jurisdiction under 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.

General Permits are used as a way to streamline state and Federal regulatory programs. The New England District has already had success with streamlining these programs with the use of GPs throughout New England. This public notice is being issued in accordance with 33 CFR 325.3(b) to coordinate reissuance of the GPs with Federal resource agencies, state agencies and the public.

The revised GP organizes eligible work into twenty-three (23) activity-specific categories. This continues to satisfy the requirements of Section 404(e) of the Clean Water Act, which allows the Corps to issue general permits for activities that are similar in nature and will result in no more than minimal individual and cumulative adverse environmental effects. Identifying specific activities allows the Corps to adequately assess cumulative impacts of permitted activities, as well as fully assess impacts on threatened and endangered species.

All GP authorizations would be subject to the applicability requirements, procedures, and conditions contained in the GP documentation. Project eligibility under these GPs will fall into two Categories as more fully described in Appendix A - General Permits. Individual GP authorizations are not valid until all other required Federal, state and local permits and/or certifications are obtained.

Projects with no more than minimal individual and cumulative effects on the aquatic environment will be approved administratively under these GPs. Representatives of the Corps, state agencies and the Federal resource agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Marine Fisheries Service) will continue to review those activities requiring a Pre-Construction

Notification (PCN) to the Corps as outlined within the GPs. Projects that do not meet the terms and conditions of the GPs, including those that have the potential for more than minimal effects, will require an Individual Permit. The Individual Permit review process is detailed at 33 CFR 325, Processing of Department of the Army Permits. Reissuance of the GPs will not alter the Individual Permit review procedures, or Federal exemptions, which are not necessarily the same as the State of Connecticut's exemptions.

Essential Fish Habitat

In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the Federal fishery management councils (Councils) to designate Essential Fish Habitat (EFH) for all Federally-managed fish species. Essential Fish Habitat is broadly defined as those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires that Federal agencies proposing to authorize, fund, or to undertake actions which may adversely affect EFH consult with National Marine Fisheries Service (NMFS) regarding the action. Accordingly, the Corps has and continues to consult with NMFS regarding the actions permitted under the GPs. For certain types of actions that will likely result in no more than minimal adverse effects to EFH individually and cumulatively, NMFS may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(f).

Endangered Species Consultation (ESA) The Corps will be consulting with NMFS and the U. S. Fish & Wildlife Service regarding any effects to federally-listed endangered or threatened species or their designated critical habitat. to on this determination.

National Historic Preservation Act It is the District Engineer's preliminary determination that the proposed work may affect properties listed in, or eligible for listing in, the National Register of Historic Places. The Corps will be initiating consultation with the CT State Historic Preservation Officer as well as Connecticut's Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended.

Water Quality Certification (WQC) and Coastal Zone Management (CZM) Consistency

The Corps is simultaneously requesting that the Connecticut Department of Energy & Environmental Protection (DEEP) and the New York State Department of State determine whether to issue, deny or waive WQC and CZM Consistency, respectively. The Connecticut DEEP will issue a notice regarding their tentative determination, therefore please send comments regarding WQC/Section 401 to that agency.

The U.S. Environmental Protection Agency's (EPA) new Clean Water Act Section 401 Certification Rule took effect on September 11, 2020. As required by those regulations at 40 CFR 121.12 – EPA must make a determination as to whether discharges from a certified general permit may affect water quality in neighboring jurisdictions. We are soliciting comments from the neighboring jurisdictions of Connecticut regarding any potential water quality impacts the proposed 2021 CT GPs may have on areas within your authority that border Connecticut. Although we do not anticipate the activities authorized under the GPs will violate any neighboring jurisdiction's water quality standards, we are seeking your comments and value your feedback on this matter.

Proposed Changes:

We propose the changes and improvements listed in **CT GP 2021 Cover Sheet, Section 1** – Review Categories-Application Procedures – Inland, **Section 2** – Review Categories-Application Procedures – Coastal, **Appendix A** – General Permit Activities, **Appendix B** – General Conditions, **Appendix C** - Aquaculture Conditions, **Appendix D** – Contacts, **Appendix E** – Self-verification, **Appendix F** – Definitions, **Appendix G** – Stream Crossing Best Management Practices and **Appendix H** – Diadromous Fish in CT.

We are proposing to add two new GP Activities: **GP 22 – Modification and improvement of existing minor drainage features and mosquito control** and **GP 23 – Agricultural Activities**, as more fully described in the Appendix A.

Comments

We are seeking public comment in order to properly evaluate the proposed GPs in Connecticut. Anyone wishing to comment is encouraged to do so in writing within the comment period specified in this notice. Comments should be submitted to Mr. Kevin Kotelly, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, Massachusetts 01742-2751. If you have any questions, please contact Mr. Kotelly at (978) 318-8703 or via email at kevin.r.kotelly@usace.army.mil.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.



Tammy R. Turley
Chief, Regulatory Division