



**US Army Corps
of Engineers**®
New England District
Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351

PUBLIC NOTICE

Date: 12/23/2014
Comment Period Ends: 01/23/2015
In Reply Refer To: Jay L. Clement
Or by e-mail: jay.l.clement@usace.army.mil

PROPOSED REPLACEMENT AND REVISION OF THE DEPARTMENT OF THE ARMY MAINE GENERAL PERMIT (GP)

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 intends to replace and revise the statewide Maine General Permit (“Maine GP” or “GP”), pursuant to 33 CFR 325.5(c)(1). The revised GP would continue to authorize activities in waters of the State of Maine, including activities occurring within the boundaries of Indian tribal lands, that have no more than minimal adverse effects on the aquatic environment.

The existing GP expires on October 12, 2015. We propose to replace and revise the GP for five years beginning no later than this date. The revised GP 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. This public notice is issued in accordance with 33 CFR 325.3(b) to begin the coordination process with federal resource agencies, state agencies and the public for the replacement of the GP.

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 statewide GPs throughout New England. A statewide general permit has been in place in Maine since 1983 and was the first of its kind in New England.

In 2013 the New England District proposed replacing all of the statewide GPs with a more comprehensive New England GP (“NE GP”). The NE GP looked quite different from the existing statewide GPs in that it organized eligible work into activity-specific categories. This was intended 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 cause only minimal individual and cumulative adverse environmental effects. On October 9, 2014, the District Engineer decided to discontinue this regional approach and instead elected to pursue replacement general permits on a state-by-state basis. The proposed replacement for the Maine GP will incorporate similar activity-specific categories but is also expected to retain the function, utility, and general appearance of the existing Maine GP.

Projects with minimal individual and cumulative effects on the aquatic environment will continue to be approved administratively under the replacement GP. Projects with the potential for more than minimal effects will be subjected to Individual Permit review as detailed in 33 CFR Part 325. All GP authorizations will be subject to the applicability requirements, procedures, and conditions contained in pending GP documentation. 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 activities as outlined within the Maine GP.

Projects that do not meet the terms and conditions of the GP will require an Individual Permit. The pending replacement of the GP does not alter the Individual Permit review procedures. The reissuance also does not alter the federal exemptions (33 CFR Part 323.4), which are not necessarily the same as the State of Maine's exemptions. In addition, GP authorizations are not valid until all other required federal and state permits and/or certifications, as listed in the GP, are obtained. Through interagency screening, the Corps will determine if the individual and cumulative adverse environmental impacts are minimal and whether a project may proceed under GP authorization.

Essential Fish Habitat ("EFH"): In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the Federal fishery management councils ("Councils") to designate EFH for all federally managed fish species. The EFH applies to those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. The EFH designations made by the Councils include most of Maine's coastal waters, estuaries and rivers. 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 will consult with NMFS regarding the actions proposed to be permitted under the revised GP.

Endangered Species Consultation ("ESA"): It is the District Engineer's preliminary determination that the proposed GP is not likely to adversely affect any federally-listed endangered or threatened species or their designated critical habitat. The Corps will be consulting with the NMFS and U.S. Fish and Wildlife Service 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 Maine Historic Preservation Commission and Maine's Indian Tribes pursuant to Section 106 of the National Historic Preservation Act of 1966 as amended.

Water Quality Certification: State 401 water quality certification ("WQC") pursuant to section 401 of the Clean Water Act, or waiver thereof, is required from the state, authorized tribes, or EPA where applicable, prior to the issuance or reissuance of general permits authorizing activities that may result in a discharge into waters of the U.S. The Corps will be requesting the Maine Dept. of Environmental Protection ("Maine DEP") and Land Use Planning Commission ("LUPC") determine whether to issue, deny or waive Water Quality Certification.


Coastal Zone Management Consistency: Section 307(c)(1) of the Federal Coastal Zone Management ("CZM") Act of 1972, as amended, requires the Corps to provide a consistency determination and receive state concurrence prior to the issuance, reissuance, or expansion of activities authorized by a GP that authorizes activities within a state with a federally-approved Coastal Management Program when activities that would occur within, or outside, that state's coastal zone will affect land or water uses or natural resources of the state's coastal zone. The State of Maine has an approved CZM Program. The Corps will be requesting that the Maine Department of Agriculture, Conservation & Forestry concur with the Corps consistency determination for activities authorized under the revised GP.

Comments: Subsequent public notices will seek public comment in order to properly evaluate the proposed replacement and revision of the Maine GP. A draft of the proposed replacement will be available at that time. The Corps will solicit comments from the public; federal, state, and local agencies and officials; Indian tribes; and

other interested parties in order to consider and evaluate the impacts of this proposed activity. The Corps will consider all comments that are ultimately received to determine whether to issue, modify, condition or deny a permit for this proposal. All comments will be considered a matter of public record. Anyone wishing to comment in advance of future public notices however, may certainly do so in writing within the comment period specified in this notice. Submit your comments to: Jay Clement, Senior Project Manager; US Army Corps of Engineers; 675 Western Avenue #3; Manchester, Maine 04351. Please contact Mr. Clement at (207)-623-8367 at our Manchester, Maine Project Office or by email at jay.l.clement@usace.army.mil if you have any questions.

For more information on the New England District Corps of Engineers programs, including the present Maine GP, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____