



**US Army Corps  
of Engineers®**

# **SPECIAL PUBLIC NOTICE**

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**New England District  
Permit Application No. NAE-2025-00485  
30-DAY PUBLIC NOTICE**

## **PROPOSED ISSUANCE OF THE DEPARTMENT OF THE ARMY MAINE GENERAL PERMITS**

TO WHOM IT MAY CONCERN: The New England District, U.S. Army Corps of Engineers (Corps) proposes to issue state-wide Department of Army General Permits for Maine (ME GPs), as defined in 33 CFR Part 325.5(c)(1). The proposed ME GPs consist of thirty-seven (37) regional general permits (RGPs), including thirty-four (34) that are comparable to the current 2021 Nationwide Permits (NWP) and proposed 2026 NWP. These will replace the current twenty-three (23) ME GPs, which expire on October 14, 2025. The proposed ME GPs will take effect on October 15, 2025, and will continue to streamline the review of regulated activities under Corps jurisdiction pursuant to Section 404 of the Clean Water Act (see 33 CFR Part 323) and Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR Part 322) within waters of the United States in Maine. The purpose of this public notice is to solicit comments from the public regarding the proposed ME GPs.

The proposed ME GPs will satisfy the requirements of Section 404(e) of the Clean Water Act, which allows the Corps to issue RGPs for activities that are similar in nature and will cause no more than minimal individual and cumulative adverse environmental effects. Identifying specific activities allows the Corps to adequately assess cumulative impacts of permitted activity types.

All ME GP authorizations would be subject to the applicable requirements, procedures, and conditions contained in the GP document and any additional conditions required by the Water Quality Certification and Coastal Zone Management General Consistency Concurrence. Project eligibility under these proposed ME GPs will fall into two categories: Pre-Construction Notification (PCN) and non-notifying (i.e. PCN not required). Authorization under these GPs and all other required federal, state and local approvals shall be obtained by the applicant prior to commencing work.

Certain routine activities with minimal individual and cumulative effects on the aquatic environment may be approved administratively under these ME GPs. Representatives of the Corps, state, and federal resource agencies will continue to review categories of activities requiring a PCN on an individual project basis. Projects that do not meet the terms and conditions of the proposed ME GPs, including those that have the potential

for more than minimal effects or to be contrary to the public interest, will require an Individual Permit (IP) per Corps' discretionary authority outlined in Section V of the attached General Permits. The proposed issuance of these GPs does not alter the IP review procedures at 33 CFR Part 325 or federal exemptions at 33 CFR Part 323.4.

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) using its program-specific regulations and procedures (33 CFR 325, Appendix C) and 36 CFR Part 800, along with 2005 and 2007 interim guidance. The District Engineer preliminarily determines that while activities authorized by these RGPs may have the potential to cause effects to historic properties, issuance of the RGPs themselves will have no potential to cause effects. The Corps is coordinating with the Maine Historic Preservation Commission, Houlton Band of Maliseet Indians, Passamaquoddy Tribe of Indians (Pleasant Point Reservation and Indian Township Reservation), Mi'kmaq Nation, Penobscot Nation, Narragansett Indian Tribe and Wampanoag Tribe of Gay Head (Aquinnah).

Project specific Section 106 NHPA consultation will occur as needed on a project-specific basis to assess and address potential effects on historic properties. Final eligibility and effect determinations will be made by the District Engineer in coordination with the SHPO and/or Tribes listed above, considering both direct and indirect impacts within the Corps-defined permit area.

**TRIBAL TRUST RESPONSIBILITIES:** The Corps has notified the Tribal Historic Preservation Officers for each federally recognized tribe with interests in Maine to facilitate coordination with regards to the Corps fiduciary responsibilities as a federal agency.

**ENDANGERED SPECIES (ESA):** The District Engineer preliminarily determines that the issuance of the proposed ME GPs will have no effect to federally listed species or designated critical habitat. ESA effect determinations will be made on a project-specific basis upon submittal of information by a project proponent to the Corps or designated lead federal agency. The Corps has notified the National Marine Fisheries Service and the U.S. Fish & Wildlife Service in accordance with Section 7 of the ESA prior to this public notice.

**ESSENTIAL FISH HABITAT:** In accordance with the Magnuson-Stevens Fishery Conservation and Management Act 1996, this notice initiates the Essential Fish Habitat (EFH) consultation. The District Engineer preliminarily determines that the issuance of the proposed ME GPs will have no adverse effects to EFH. Project-specific consultation with NOAA will occur as needed for activities under the RGPs that may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS).

We have preliminarily determined that Non-notifying activities (i.e. PCN not required) will have no more than minimal adverse effects when conducted in compliance with applicable RGP terms and conditions. The Corps is requesting general concurrence

under 50 CFR 600.920(g) for these non-notifying RGPs, which would not require individual EFH consultation

**WATER QUALITY CERTIFICATION:** Under Section 401 of the Clean Water Act (CWA), any activity authorized by a federal permit that may result in a discharge to waters of the U.S. must obtain a CWA Section 401 Water Quality Certification (WQC), or waiver from the appropriate certifying authority. This ensures compliance with state water quality standards. A WQC request for the proposed ME GPs will be concurrently submitted with this public notice in accordance with 40 CFR 121.5.

The federal rule requires that EPA determine whether discharges from a certified project may affect water quality in a neighboring jurisdiction (40 CFR 121.13 Subpart B). The Corps is seeking comments from neighboring jurisdictions regarding any potential impacts these ME GPs may have on water quality in areas under their jurisdiction within the State of Maine. Although, Corps does not anticipate the activities verified under the ME GPs will violate neighboring jurisdiction's water quality standards, Corps is seeking comments specifically regarding water quality in neighboring jurisdiction.

**COASTAL ZONE MANAGEMENT ACT CONSISTENCY:** Pursuant to Section 307(c) of the Coastal Zone Management Act of 1972, federal activities affecting a state's coastal zone must be consistent to the maximum extent practicable, with the enforceable policies of the approved state program. The Corps has determined that the proposed ME GPs meet this standard for the State of Maine CZM program. Supporting data has been provided to the State for review.

No GPs will be issued until the State concurs with this determination or waives its right to do so. Comments concerning coastal zone impacts should be submitted to this office and copied to the State CZM office at [dmrcoastalprogram\\_fc@maine.gov](mailto:dmrcoastalprogram_fc@maine.gov).

#### **PROPOSED CHANGES:**

The proposed ME GPs are enclosed and include the following sections: Section I: Statutory Authorities and Regulated Activities; Section II: RGP Procedures; Section III: Maine General Permits; Section IV: General Conditions; Section V: District Engineers Discussion; and Section VI: Definitions and Acronyms.

Key changes:

- Regional General Permits have been reorganized by more specific activity types and renumbered, aligning with current NWP.
- No Self-Verification forms will be used; non-notifying activities require no application submission to the Corps.
- Pre-Construction Notification fill thresholds have been reduced from 3 acres (permanent, temporary and secondary fill) to a 0.5 acre of permanent fill.
- Non-notifying fill thresholds (formerly Self-Verification) have been reduced from 15,000 square feet of permanent, temporary and secondary fills to 0.1 acre of permanent fill.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed issuance of the ME GPs. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New England District will receive written comments on the proposed work, as outlined above, until July 11, 2025. Comments should be submitted electronically to Ms. Amanda Sayles at [amanda.i.sayles@usace.army.mil](mailto:amanda.i.sayles@usace.army.mil). Please refer to the permit application number in the subject line of your email.

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Please contact Ms. Tina Chaisson at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil) or (978) 318-8058 if you would like to be removed from our public notice mailing list.