



**US Army Corps  
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# PUBLIC NOTICE

**Date:** February 2, 2021  
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## 15-DAY PUBLIC NOTICE

### SUSPENDING NATIONWIDE PERMITS IN NEW ENGLAND

The U.S. Army Corps of Engineers (USACE) is reissuing and modifying 12 existing Nationwide Permits (NWP) and issuing four new NWP as stated in the Federal Register published on January 13, 2021, and located at <https://www.govinfo.gov/content/pkg/FR-2021-01-13/pdf/2021-00102.pdf>. The changes will go into effect on March 15, 2021. More information is posted to the USACE website at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/National-Notices-and-Program-Initiatives>.

While nationally USACE is acting on these NWP, the USACE New England District proposes to again suspend the NWP, this time the 16 NWP mentioned above, in the six New England states. The New England District most recently suspended all NWP in the six New England States on March 13, 2017. In their place, the New England District would continue using regional general permits (GP) in each New England state, which have been highly effective for over 20 years. The regional GP are located at <http://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits>. The currently proposed suspension would remain in effect for five years unless rescinded by the North Atlantic Division Engineer.

Multiple goals will be realized as a result of again suspending the NWP in New England:

(1) To provide consistency, simplification and streamlining in the regulatory process. Projects with minimal individual and cumulative effects on the aquatic environment are approved administratively under the GP. Project eligibility for permitting under a GP fall into two categories defined using the regional criteria for (a) self-verification projects and (b) pre-construction notification (PCN) projects. Self-verified projects may proceed provided the proponent verifies that the terms and conditions of the GP are met and the Self-Verification Notification Form is submitted to USACE when applicable. Activities requiring a PCN to USACE are reviewed by USACE and Federal resource agencies (U.S. Fish Wildlife Service, U.S. Environmental Protection Agency and National Marine Fisheries Service), other Federal agencies, and state agencies such as wetland and waterway permitting agencies, when applicable. Through this coordination, USACE determines if individual and cumulative adverse environmental impacts are more than minimal or whether the project may proceed under the GP. Projects that do not meet the terms and conditions of the GP or those which are

determined to have potential for greater than minimal adverse impact require an individual permit. The GPs don't alter the individual permit review procedures or Federal exemptions, which are not necessarily the same as the states' exemptions. In addition, GP authorizations are not valid until all other required Federal, state, and local permits and/or certifications are obtained.

(2) To continue broad coverage and increased environmental sensitivity. The GPs have broader upper limits, but allow USACE, in coordination with the states and Federal resource agencies, to review projects to determine if project impacts are more appropriately reviewed under individual permit procedures. In some cases, lower limits than the NWP provide USACE with the opportunity to review certain activities that could have greater environmental impacts, e.g., those occurring in environmentally sensitive areas. Additionally, the decision of ineligibility under the GPs will be much simpler and require less staff time than the discretionary authority procedures. However, USACE retains the right to implement discretionary authority for any project when it determines it is necessary and in the public interest to do so. The suspension of the NWPs will continue to allow maximum use of the GPs and result in a greatly simplified, flexible and expedited regulatory program in New England. Suspension will also increase efficiency and eliminate redundancy when certain aspects of the GPs are synchronized with in-place state regulatory programs. State GPs can be individually conditioned, as can NWPs, if it's necessary to restrict activities in order to protect the environment.

If you have any questions or comments on this proposed NWP suspension, please contact Greg Penta at (978) 318-8862 or [gregory.r.penta@usace.army.mil](mailto:gregory.r.penta@usace.army.mil).



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