



**US Army Corps
of Engineers**®
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PUBLIC NOTICE

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ISSUANCE OF THE DEPARTMENT OF THE ARMY RHODE ISLAND GENERAL PERMITS (GPs)

The New England District, U.S. Army Corps of Engineers hereby announces issuance of the attached statewide Rhode Island General Permits, pursuant to 33 CFR Part 325.5(c)(1) for minimal impact projects. The RI GPs will replace the prior statewide Rhode Island General Permit, which expired on March 3, 2022 with a series of multiple GPs covering activity-specific categories. These GPs became effective on May 6, 2022 and will continue the expedited review process for activities subject to Corps jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, located in waters of the United States (U.S.), including navigable waters, within boundaries of the State of Rhode Island, and lands located within the boundaries of an Indian reservation.

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. These GPs are designed to authorize activities covered under the Nationwide Permit (NWP) program and the prior RI GP.

Some of the major changes from the previous GP include:

1. The new RI GPs are organized into twenty-one (21) activity-specific General Permits, comprised of Programmatic General Permits (PGPs) and Regional General Permits (RGPs), as follows: 10 Regional General Permits (RGPs), 7 Programmatic General Permits (PGPs), and 4 PGP/RGPs. This was intended to satisfy the requirements of Section 404(e) of the Clean Water Act, which allows the USACE to issue general permits for activities that are similar in nature and will cause only 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. Section III continues to include non-tidal and tidal waters and wetlands in one table but clearly separates them into distinct sections.
2. The following PGPs are non-reporting to USACE to reduce duplication with Rhode Island Coastal Resource Management Council (CRMC); GPs: 1, 2, 3, 4, 5, 7, 11, 14, 15, 17, 20. Applications reviewed by Rhode Island Department of Environmental Management (RIDEM) will continue to follow the RGP process.
3. The organization of the GP is updated, as follows: Cover Page, Statutory Authority and Regulated Activities (Section I), Review Categories and Application Procedures for Activities Within Non-Tidal Water (Section II.A), Review Categories and Application Procedures for Activities Within Tidal, Coastal, and Navigable Waters (Section II.B), General Permits for The State of Rhode Island & Tribal Lands (Section III), General Conditions (IV), Contact for Rhode Island General Permit (Section V), Definitions (Section VI), Required Information Guide for Preconstruction Notification (Section VII), Resource Agency Coordination Procedures (VIII), and Self-Verification Notification Form (Section IX).

4. The 2022 RI GPs supersede the previous RI GP which expired on March 3, 2022. Activities authorized by the previous GP that had not commenced construction or were not under contract to commence construction by that date will need to apply for a new verification under the new RI GPs. Conversely, activities authorized by the previous RI GP that have either commenced construction or are under contract to commence construction will have an additional year from the expiration date of March 3, 2022 to complete the work. You may find the 2022 RI GPs at www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/RhodeIsland-General-Permit/.

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