

# STATE OF MAINE



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October 1, 2020

Frank J. Del Guidice  
Chief, Permits & Enforcement Branch  
Regulatory Division  
Dept. of the Army  
New England District  
Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

Dear Mr. Del Guidice:

This letter is in response to a letter dated April 1, 2020 from Jana Jacobson requesting that the Maine Department of Environmental Protection (“DEP”) issue water quality certification (“WQC”) for the Army Corps of Engineers’ (“Corps”) proposed renewal of the Maine General Permit (“GP”). Separate letters from Ms. Jacobson, dated April 1, 2020 requested that the Land Use Planning Commission (“LUPC”) issue WQC and that the Maine Coastal Program concur with the Corps’ consistency determination regarding the proposed GP. This letter serves as a single response to all three requests.

The DEP and LUPC have reviewed the draft GP and have concluded that Self-Verification and Pre-Construction Notification projects, if conducted in accordance with the standards contained in the GP, will maintain water quality in the waters of the State of Maine. Therefore, pursuant to Section 401 of the Clean Water Act, DEP and LUPC, until further notice, grant WQC for those activities subject to the Corps’ jurisdiction, in the organized and unorganized areas of the State of Maine, respectively, that meet the definition of Self-Verification and Pre-Construction Notification as specified by the terms and conditions of the GP for the State of Maine. This grant of WQC is also for Self-Verification and Pre-Construction Notification activities that are not regulated by the DEP under the Natural Resources Protection Act and that are not regulated by the LUPC under Title 12, Chapter 206-A: Use Regulation. Notwithstanding compliance with the terms and conditions of the GP, the DEP and LUPC retain discretionary authority to require an individual Section 401 Certification for any activity requiring a DEP or LUPC permit that the respective agency considers reasonably likely to have greater than minimal direct, secondary, indirect or cumulative impacts to surface waters of the state.

For the Maine Coastal Program, based on and in accordance with the review and findings and conclusions of DEP and LUPC regarding the GP, the State concurs with the Corps’ determination that issuance of the GP is consistent to the maximum extent practicable with the enforceable policies of the Maine’s coastal zone management program in accordance with Section 307 of the Coastal Zone Management Act, as amended.

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We look forward to continuing our collaboration in the regulation of wetlands and waterways activities and the continuing improvement of both the efficiency and scope of our agencies' services.

We appreciate the opportunity for input into the development of this general permit.

Sincerely,



Melanie Loyzim  
Acting Commissioner  
Department of  
Environmental Protection



Judy East  
Executive Director  
Land Use Planning  
Commission



Kathleen Leyden  
Director  
Maine Coastal Program