



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street, Providence, Rhode Island 02908-5767

April 19, 2022

Mr. Kevin Kotelly
Chief, Permits & Enforcement
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

**RE: 401 Water Quality Certificate for the Department of Army Programmatic General Permits for the State of Rhode Island
WQC No. 22-011**

Dear Mr. Kotelly:

The Rhode Island Department of Environmental Management Office of Water Resources (RIDEM OWR) has reviewed the latest draft of the proposed Army Corps of Engineers General Permits – State of Rhode Island (ACOE GP) received via e-mail from Joshua Gaimaro on April 15, 2022. This final version of the ACOE PGP was revised based upon comments received during the RIDEM and ACOE Public Notice process. The ACOE GP applies to all State waters that also meet the definition of Waters of the United States.

With consideration to the above, the RIDEM OWR hereby grants the State's Water Quality Certification pursuant to Section 401 of the Clean Water Act for activities that meet the definition and requirements of Self Verification (SV) and Pre-Construction Notification (PCN) activities for the twenty-one General Permits within the ACOE GP (attached) provided that:

- 1) The activity(ies) meet all requirements specified in Section III and General Conditions in Section IV of the attached ACOE GP.
- 2) The applicant has obtained all applicable State approvals as listed below:
 - a. Freshwater Wetlands Approval under the "Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act", 250-RICR-150-15-1 and 250-RICR-150-15-3 (DEM FWW Rules) as applicable, pursuant to the Fresh Water Wetlands Act, RIGL Section 2-1-18 et seq.;"
 - b. RIDEM approval under the "Rules and Regulations for Dam Safety", 250-RICR-130-05-1, pursuant to "Inspection of Dams and Reservoirs", RIGL Section 46-19-1.
 - c. State Water Quality Certification approval under the "Water Quality Regulations", 250-RICR-150-05-1 pursuant to RIGL Sections 42-17.1 and 46-12-1 et seq.;
 - d. Dredge Permit under the "Rules and Regulations for Dredging and the Management of Dredged Material", 250-RICR-150-05-2, pursuant to RIGL 46-6.1
 - e. Freshwater Wetlands Approval under the "Coastal Resources Management Council – Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast", 650-RICR-20-00-2 and 650-RICR-20-00-9 (CRMC FWW Rules) as applicable.

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- f. Assent from the RI Coastal Resources Management Council under the Red Book regulations, 650-RICR-20-00-1.
- 3) The ACOE and RIDEM OWR finds through ACOE GP Federal/State interagency coordination process, as may be held for any projects of concern, that all proposed activities are reasonably likely to have only minimal or no adverse impact on water quality.

Water Quality Certification is hereby **waived** for any activities in freshwater non-tidal wetlands covered under the ACOE GP that are considered Exempt from permitting by RI DEM under the DEM FWW Rules, 250-RICL-150-15-1.6 and 250-RICR-150-15-3.6 as applicable; or that are considered exempt from permitting by the RI CRMC under the CRMC FWW Rules, 650-RICR-20-00-2.6 and 650-RICR-20-00-9.6 as applicable.

This Water Quality Certification does not authorize any activity or proposed project that is determined to require an ACOE Individual Permit. This Water Quality Certification shall be valid until April 30, 2027 and/or until such time as the GP is modified, suspended, revoked or re-issued.

If you have any questions regarding the contents of this WQC, you may contact the undersigned at chuck.horbert@dem.ri.gov or (401) 222-6820, extension 2777402.

Sincerely,



Charles A. Horbert, Deputy Administrator, Groundwater & Freshwater Wetlands Protection
Federal 401/State WQC Program
Office of Water Resources
Rhode Island Department of Environmental Management

Enclosure: General Permit for the State of Rhode Island

cc: Terry Gray, Acting Director, RIDEM
Eric Beck, Administrator for Groundwater & Freshwater Wetlands Protection
Ronald Gagnon, Chief, Office of Customer & Technical Assistance (Dredge)
David Chopy, Administrator, Office of Compliance & Inspection (Dams)
Jeffrey Willis, Executive Director, RI CRMC
Danni Goulet, RI CRMC
Neal Personcus, RIDEM WQC Program
Martin Wencek, RIDEM Freshwater Wetlands Program
Nancy Freeman, RIDEM Freshwater Wetlands Program
Eric Schneider, RI DEM Division of Marine Fisheries
Lisa Rhodes, MA Department of Environmental Protection, Wetlands Program
Jeffrey Caiola, CT Department of Energy & Environmental Protection
Erica Sachs, US EPA
Rachel Croy, US EPA
Kate McPherson, Save the Bay
Wenley Ferguson, Save the Bay