



**US Army Corps
of Engineers**
St. Paul District

Special Public Notice

13 December 2023

**SUPPLEMENTED REGIONAL GENERAL PERMITS IN
MINNESOTA AND WISCONSIN, AND FEDERALLY
RECOGNIZED AMERICAN INDIAN RESERVATIONS**

Authorities:
Section 404 Clean Water Act and
Section 10 Rivers and Harbors Act

2022-01867	Bank Stabilization & Habitat Improvement	2022-01871	Piers & Docks
2022-01868	Beach Creation & Nourishment	2022-01872	Transportation
2022-01869	Beach Raking	2022-01874	Wildlife Ponds

This notice announces the availability of six regional general permits (RGPs) for use within the Lake Superior Hydrologic Unit Codes (HUCs) previously excluded as part of the Clean Water Act (CWA) Section 401(a)(2) process (401(a)(2) process). The six RGPs above are now available for use in Minnesota, Wisconsin, and within the exterior boundaries of Federally recognized American Indian reservations in both states without exception. Regulated activities, applicable terms and conditions are described in each RGP pursuant to Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act (Section 10). The RGPs provide streamlined authorization for regulated activities in waters of the United States generally ineligible for nationwide permit (NWP) authorization. The RGPs are for regulated activities determined to result in no more than minor individual and cumulative adverse environmental effects.

BACKGROUND and SUPPLEMENTATION On January 20, 2023, the St. Paul District Corps of Engineers Regulatory Division (Corps) issued a Public Notice announcing the availability of eight RGPs for use in Wisconsin and Minnesota and on Indian Reservations in Wisconsin and Minnesota, excluding Section 404 activities in specified HUCs in the Lake Superior Basin of Wisconsin (not including the Red Cliff and Bad River Band reservations). The Corps excluded these HUCs to comply with the 401(a)(2) process. Specifically, during its 401(a)(2) review of the Wisconsin Department of Natural Resources' Water Quality Certification decision, the U.S. Environmental Protection Agency (EPA) determined that Section 404 RGP issuance in certain HUCs in the Lake Superior Basin may affect the downstream water quality within the Bad River Band of Lake Superior Chippewa (Bad River Band) reservation. Bad River Band subsequently notified EPA and the Corps of its view that RGP issuance would affect downstream water quality within the reservation.

After informal discussions with the Bad River Band, the Corps opted to add new coordination requirements to the six RGPs listed above, which prompted the Bad River Band to withdraw its objection to issuance of these RGPs in the Lake Superior Basin HUCs previously excluded. In general, Bad River Band coordination necessitated increasing Pre-Construction Notification or Reporting requirements within the HUCs of concern. Within certain HUCs, spill reporting to Bad River Band is also required. No RGP changes have been implemented outside the HUCs subject to the 401(a)(2) process. The supplemented RGPs may be viewed at: <https://www.mvp.usace.army.mil/missions/regulatory/rgp/>.

The 401(a)(2) process is ongoing for the Minor Discharges and Utility RGPs. Those RGPs remain unavailable for Section 404 authorizations in the following 8-digit HUCs as identified by the National Geological Survey National Hydrography Dataset: 04010301, 04010302, and 04020300, except for areas within the exterior boundaries of the Bad River Band and Red Cliff reservations.

ADDITIONAL INFORMATION Persons may obtain additional information by calling Rebecca Graser in our Brookfield, Wisconsin office at (651) 290-5728. Alternatively, Ms. Graser may be contacted via email at rebecca.m.graser@usace.army.mil.

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