



US Army Corps
of Engineers®
St. Paul District

Public Notice

ISSUED: February 21, 2018

REFER TO: RGP-003-MN, RGP-004-MN,
and RGP-002-WI

SECTIONS: 404 Clean Water Act and
10 Rivers and Harbors Act

SUSPENSION AND PROPOSED REVOCATION OF REGIONAL GENERAL PERMITS (RGPs) RGP-003-MN, RGP-004-MN, AND RGP-002-WI

1. **PURPOSE OF THIS PUBLIC NOTICE.** By this notice, the St. Paul District Corps of Engineers (Corps) announces the suspension and proposed revocation of RGP-003-MN, RGP-004-MN, and RGP-002-WI.
2. **BACKGROUND.** RGP-003-MN, RGP-004-MN, and RGP-002-WI are regional general permits issued by the Corps that provide Federal authorization under Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404) for regulated activities in waters of the United States in Minnesota and Wisconsin. Under a separate notice, the Corps published seven RGPs to complement the forty-two Nationwide Permits (NWP) issued in 2017. RGP-003-MN, RGP-004-MN, and RGP-002-WI are redundant with the seven new RGPs and are no longer necessary.
3. **SUSPENSION AND PROPOSED REVOCATION. RGP-003-MN, RGP-004-MN, and RGP-002-WI are suspended effective February 22, 2018.** As of that date, all pending and future requests for Section 10 and Section 404 permits that would have previously been evaluated under the terms and conditions of the three suspended RGPs will be processed under another general permit or individual permit as appropriate. RGP-003-MN, RGP-004-MN, and RGP-002-WI are proposed to be revoked on September 4, 2018. If revoked, a second public notice will be issued.
4. **GRANDFATHERING.** Activities authorized prior to the suspension of RGP-003-MN, RGP-004-MN, and RGP-002-WI continue to be authorized until the RGP expires or is revoked, whichever is sooner. When RGP-003-MN, RGP-004-MN, and RGP-002-WI expire or are revoked, grandfathered permittees shall have twelve months from the date of RGP expiration or revocation to complete the authorized activity. To qualify as a grandfathered permittee, the activity must have commenced construction, or be under contract to commence construction before the RGP expires or is revoked. The Corps proposes to revoke all three RGPs on September 4, 2018, earlier than the published expiration. This proposed revocation date would allow grandfathered permittees until September 3, 2019, to complete authorized work.
5. **JURISDICTION AND REGULATORY AUTHORITY.** All work currently authorized under RGP-003-MN, RGP-004-MN, and RGP-002-WI occur in waters of the U.S., which include navigable waters of the U.S., wetlands, and other waters subject to the regulatory jurisdiction of the Corps pursuant to Section 404 and Section 10.
6. **FEDERALLY-LISTED THREATENED OR ENDANGERED SPECIES OR THEIR CRITICAL HABITAT.** The suspension and proposed revocation of RGP-003-MN, RGP-004-MN, and RGP-002-WI will not affect Federally-listed endangered or threatened species or their critical habitat. Implementation of this proposal will not affect the Corps' responsibility to ensure that all Section 10 and Section 404 authorizations comply with Section 7 of the Endangered Species Act.

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Suspension and Proposed Revocation: RGP-003-MN, RGP-004-MN, and RGP-002-WI

7. HISTORICAL/ARCHAEOLOGICAL. The suspension and proposed revocation of RGP-003-MN, RGP-004-MN, and RGP-002-WI will not affect known or unknown archaeological, scientific, or historical resources. Implementation of this proposal will not affect the Corps' responsibility to ensure that all Section 10 and Section 404 authorizations comply with Section 106 of the National Historic Preservation Act.
8. WATER QUALITY CERTIFICATION. Water quality certification was issued by the Minnesota Pollution Control Agency (MPCA) for RGP-003-MN on February 3, 2017, and for RGP-004-MN on October 21, 2015. The suspensions and proposed revocations to RGP-003-MN and RGP-004-MN were coordinated with the MPCA, and MPCA confirmed that the proposed actions to suspend and revoke these RGPs do not require WQC. Water quality certification was not issued for RGP-002-WI and action is not required for the suspension or proposed revocation of RGP-002-WI.
9. PUBLIC HEARING REQUESTS. Any person may request, in writing, within 10 days of this notice, that a public hearing be held to consider the proposed revocation of RGP-003-MN, RGP-004-MN, and RGP-002-WI. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided, or if there is otherwise no valid interest to be served. Hearing requests may be directed to Rebecca Graser via email at rebecca.m.graser@usace.army.mil. Questions may be directed to Mrs. Graser via email, or by phone at (651) 290-5728.
10. PUBLIC INTEREST REVIEW. The decision to suspend, and the proposal to revoke RGP-003-MN, RGP-004-WI, and RGP-002-WI are based on an evaluation of the probable impact of the actions on the public interest as described in 33 Code of Federal Regulations 325.7(a). Those considerations include changes in circumstance since all three RGPs were issued, the current adequacy of or need for the existing permits, the extent to which modification or other action (in this case, revocation) would adversely affect plans, investments and actions the regulated community has reasonably made or taken in reliance on the RGP-003-MN, RGP-004-MN, and the RGP-002-WI. The administrative record for all three permits is available for review in the Corps District Office.
11. FINAL ACTION. **RGP-003-MN, RGP-004-MN, and RGP-002-WI are suspended effective February 22, 2018.** If revoked, this action will not be effective unless and until published in a second notice.

FOR THE DISTRICT ENGINEER:

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