



US Army Corps
of Engineers®
St. Paul District

Public Notice

21 February 2018

EFFECTIVE DATE FOR SEVEN REGIONAL GENERAL PERMITS (RGPs) IN MINNESOTA, WISCONSIN, AND AMERICAN INDIAN RESERVATIONS

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

**Beach Creation &
Nourishment RGP
Beach Raking RGP**

**Minor Discharges RGP
Piers and Docks RGP
Transportation RGP**

**Utilities RGP
Wildlife Ponds RGP**

This notice announces the effective date, February 21, 2018, for the seven RGPs listed above, now available for use in Minnesota, Wisconsin, and within the exterior boundaries of American Indian reservations. Regulated activities 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) as applicable.

REGIONAL GENERAL PERMIT CONTENT

The full content of each RGP may be reviewed using the web page link indicated below. Each RGP is largely the same as the RGPs issued on December 20, 2018, with the exception of grammatical corrections and the five minor changes listed below implemented to improve RGP clarity and interpretation.

- Calculating tributary losses and temporary impacts: Section D of all seven RGPs have been updated to clarify how linear tributary impacts should be calculated.
- Calculating losses and temporary impacts for linear ditches: Section D of the Utility and Transportation RGPs have been improved to more clearly describe when linear ditches contribute to RGP thresholds.
- Reporting requirements: Sections B and E of Transportation RGP have been edited to reflect the need to report, but not supply a pre-construction notification (PCN), for category 2 overall projects which are proposed to result in the loss of greater than 10,000 square feet of waters of the United States (US). A requirement to report, rather than supply PCN, was clarified in the Utility RGP for overall projects which would result in a loss of greater than 0.5 acre of waters of the US.
- Multiple authorizations: Section G of the Utility and Transportation RGPs more clearly describe the processing of multiple single and complete linear, and single and complete non-linear, projects.
- PCN for mechanized land-clearing: The table in Section E of the Utility RGP has been modified to more clearly articulate when PCN is required for regulated mechanized land-clearing activities.

WATER QUALITY CERTIFICATION

All RGP activities authorized pursuant to Section 404 of the Clean Water Act require 401 Water Quality Certification (WQC) or waiver from the applicable state agency, tribe or the United States Environmental Protection Agency. See the following table for general WQC information, but please refer to the RGP link below for specific information.

401 Water Quality Certification for Regional General Permits							
401 Agency	Beach Creation & Nourishment RGP	Beach Raking RGP	Minor Discharges RGP	Piers and Docks RGP	Transportation RGP	Utilities RGP	Wildlife Ponds RGP
EPA ¹	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required
Grand Portage	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions
Lac du Flambeau	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required
MPCA ²	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions
WI DNR	Partially Certified	Certified with conditions	Certified with conditions	Certified with conditions	Partially Certified	Partially Certified	Partially Certified
Mole Lake	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required
Bad River	Individual Certification Required	Individual Certification Required	Individual Certification Required	Individual Certification Required	Certified with conditions	Individual Certification Required	Individual Certification Required
Fond du Lac ²	Certified with conditions	Certified with conditions	Certified with conditions	Certified with conditions	Individual Certification Required	Individual Certification Required	Individual Certification Required

¹ EPA has responsibility to evaluate WQC within the exterior boundaries of all 17 Indian Reservations in Minnesota and Wisconsin not listed above.

² MPCA and Fond du Lac have restricted the waterbodies certified. See the link below for additional information.

COASTAL MANAGEMENT PROGRAM CONSISTENCY CERTIFICATION

Coastal Zone Management Act (CZMA) consistency concurrence from the Minnesota Department of Natural Resources and the Wisconsin Department of Administration is presumed in the coastal zones of Lake Superior in Minnesota and Wisconsin, and Lake Michigan in Wisconsin.

ADDITIONAL INFORMATION

All seven RGPs, including WQC information, may be found on the St. Paul District's web page located at: <http://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>. Questions concerning the seven RGPs and conditions within the St. Paul District can be directed to Rebecca Graser in our Brookfield, Wisconsin office at (651) 290-5728. Alternatively, Mrs. Graser may be contacted via email at rebecca.m.graser@usace.army.mil.

Chad Konickson
Chief, Regulatory Branch