



**US Army Corps
of Engineers®**

New England District

11 Lincoln Street, Room 210

Essex Junction, Vermont 05452

PUBLIC NOTICE

45-DAY PUBLIC NOTICE

Date: May 31, 2017

Comment Due Date: July 15, 2017

In Reply Refer To: Michael S. Adams

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PROPOSED REISSUANCE OF THE DEPARTMENT OF THE ARMY VERMONT GENERAL PERMIT

The New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751 hereby proposes to reissue the statewide Vermont General Permit (GP), pursuant to 33 CFR Part 325.5(c)(1), with a series of multiple GPs covering activity-specific categories. The revised GPs will continue to authorize activities in waters of the United States within the State of Vermont with minimal individual and cumulative adverse environmental impacts.

The existing GP expires on December 6, 2017 and we propose to issue the GPs for another five years prior to that date. The revised GPs will continue the expedited review process for activities in Corps jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

General Permits are used as a way to streamline state and federal regulatory programs. The New England District has already had success with streamlining these programs with the use of GPs throughout New England. This public notice is being issued in accordance with 33 CFR 325.3(b) to coordinate reissuance of the GPs with federal resource agencies, state agencies, and the general public.

The revised GP organizes eligible work into twenty-one (21) activity-specific categories. This was intended to satisfy the requirements of Section 404(e) of the Clean Water Act, which allows the Corps to issue general permits for activities that are similar in nature and will cause only minimal individual and cumulative adverse environmental effects. Identifying specific activities allows the Corps to adequately assess cumulative impacts of permitted activities, as well as fully assess impacts on threatened and endangered species. The proposed GPs retain the function and utility of the existing Vermont GP and are not expected to result in significant substantive changes to how activities in waters of the U.S. are regulated in the State of Vermont.

All GP authorizations would be subject to the applicability requirements, procedures, and conditions contained in the GP documentation. Project eligibility under these GPs will fall into two Categories, Self-Verification (SV) and Pre-Construction Notification (PCN), and are more fully described in Appendix A - General Permits. Individual GP authorizations are not valid until all other required federal, state and local permits and/or certifications are obtained.

Projects with minimal individual and cumulative effects on the aquatic environment will be approved administratively under these GPs. Representatives of the Corps, state agencies and the federal resource agencies (U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Park Service) will continue to review those activities requiring a PCN to the Corps as outlined within the GPs. Projects that do not meet the terms and conditions of the GPs, including those that have the potential for more than minimal effects, will require an Individual Permit. The Individual Permit review process is detailed at 33 CFR 325, Processing of Department of the Army Permits. Reissuance of the GPs will not alter the Individual Permit review procedures, or federal exemptions, which are not necessarily the same as the State of Vermont's exemptions.

Essential Fish Habitat

In 1996, the Magnuson-Stevens Fishery Conservation and Management Act was amended to require the Federal fishery management councils (Councils) to designate Essential Fish Habitat (EFH) for all Federally-managed fish species. Essential Fish Habitat is broadly defined as those waters and substrates necessary to fish for spawning, feeding, breeding, and growth to maturity. Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires that federal agencies proposing to authorize, fund, or to undertake actions which may adversely affect EFH consult with National Marine Fisheries Service (NMFS) regarding the action. Accordingly, the Corps has and continues to consult with NMFS regarding the actions permitted under the GP. For certain types of actions that will likely result in no more than minimal adverse effects to EFH individually and cumulatively, NMFS may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(f).

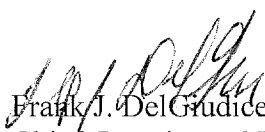
Water Quality Certification

The Corps is simultaneously requesting the VT Agency of Natural Resources (VT ANR) determine whether to issue, deny or waive Water Quality Certification (WQC). The VT ANR will issue a notice regarding their tentative determination; therefore, please send comments regarding WQC/Section 401 to the VT ANR.

Comments

We are seeking public comment in order to properly evaluate the proposed GPs in Vermont. Anyone wishing to comment is encouraged to do so in writing within the comment period specified in this notice. Comments should be submitted to: Mr. Michael S. Adams, Regulatory Division, U.S. Army Corps of Engineers, 11 Lincoln Street, Room 210, Essex Junction, Vermont 05452. If you have any questions, please contact Mr. Adams at (802) 872-2893 or michael.s.adams@usace.army.mil.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.


Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division