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## Army Corps of Engineers Proposes Revised Connecticut General Permit

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The U.S. Army Corps of Engineers, New England District, is revising and replacing the statewide Connecticut General Permit (GP) with a series of GPs organizing eligible work into 22 activity-specific categories. The existing GP will expire on **July 15, 2016**. The Corps proposes to reissue the new GP for another five years prior to that date. [Public notice](#) of the revised GP was issued on March 8, 2016. The 60-day comment period closes on May 8, 2016.

General Permits are used to streamline state and federal regulatory programs. The revised GP continues the expedited review process for activities in Corps jurisdiction under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. The proposed GP retains the function and utility of the existing Connecticut GP and is not expected to result in significant substantive changes to how activities in the waters of the U.S. are regulated in the State of Connecticut.

By organizing eligible work into specific categories, the revised GP intends 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 assess cumulative impacts of permitted activities as well as to assess impacts on threatened and endangered species.

Those planning or contemplating an activity within the Corps' jurisdiction may wish to review the new permit to see if they can avoid having to apply for an individual permit for their planned activity.

### CHANGES IN THE NEW GP

The GP that expires in July assigns activities to review categories. Section 1 covers activities occurring within inland waters and wetlands located within the State of Connecticut, and Section 1A applies to activities occurring within inland waters and wetlands located within the boundaries of an Indian reservation. Section 2 covers activities occurring within tidal, coastal, and navigable waters.

Each section had two subcategories of projects. Category 1 projects did not require an application to the Corps. Category 2 projects required review and approval by the Corps.

The new GP contains 22 activity-specific categories, such as repair, replacement, and maintenance of authorized or grandfathered structures or fills; moorings; pile-supported structures and floats; dredging; bridges; shoreline and bank stabilization; aquaculture projects; and linear transportation projects (such as driveways and roads). The new Section 1 combines the old Sections 1 and 1A, covering activities in inland waters. Section 2 again covers activities in tidal waters. Each of the 22 activity-specific GPs then lists the criteria for activities that are either Self-Verification (SV) eligible or Preconstruction Notification (PCN) eligible. The Corps no longer uses the terms Category 1 and Category 2 to describe the different levels of review and approval under the GP.

Application requirements depend on whether the activity takes place inland or on the coast and whether it is SV or PCN eligible. Individual authorizations under the new GP are not valid until all other required federal, state, and local approvals are obtained.

## APPROVALS UNDER THE EXISTING GP

Property owners with an approval under the existing GP who have not yet completed the authorized work need to be aware that the existing GP expires July 15, 2016. To preserve the existing authorization, holders of GP approvals must commence or be under contract to commence the work by July 15, 2016, and complete the work within one year of that date. If holders of existing GP authorizations cannot meet that timetable, the Corps recommends that permit holders contact the Corps before the July 15, 2016, expiration date to determine the need for further authorization before beginning or continuing the work.

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If you have any questions or would like to discuss the Army Corps permitting issues, please contact one of the following lawyers:

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